

VEHICLE CODE

An act to repeal and re-enact the Vehicle Code.

[Chapter 3, Statutes of 1959, as amended to the close of the Regular Session of the Legislature in 2002.]

The people of the State of California do enact as follows:

GENERAL PROVISIONS

Short Title

1. This act shall be known as the Vehicle Code.

Continuation of Existing Law

2. The provisions of this code, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Tenure of Office

3. All persons who, at the time this code goes into effect, hold office under the code repealed by this code, which offices are continued by this code, continue to hold them according to their former tenure.

Pending Proceedings and Accrued Rights

4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible.

Constitutionality

5. If any portion of this code is held unconstitutional, such decision shall not affect the validity of any other portion of this code.

Construction of Code

6. Unless the provision or the context otherwise requires, these general provisions and rules of construction shall govern the construction of this code.

Effect of Headings

7. Division, chapter, and Article headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.

Amended Ch. 1996, Stats. 1959. Effective September 18, 1959.

Delegation of Powers and Duties

8. Whenever, by the provisions of this code, a power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or the duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer.

Required Writings

9. Whenever any notice, report, statement, or record is required by this code, it shall be made in writing in the English language.

References to Statutes

10. Whenever any reference is made to any portion of this code or of any other law, such reference shall apply to all amendments and additions heretofore or hereafter made.

Section and Subdivision

11. “Section” means a section of this code unless some other statute is specifically mentioned and “subdivision” means a subdivision of the section in which that term occurs unless some other section is expressly mentioned.

Construction of Tenses

12. The present tense includes the past and future tenses; and the future, the present.

Construction of Genders

13. The masculine gender includes the feminine and neuter.

Construction of Singular and Plural

14. The singular number includes the plural, and the plural the singular.

Shall and May

15. “Shall” is mandatory and “may” is permissive.

Oath Includes Affirmation

16. “Oath” includes affirmation.

Signature by Mark

17. “Signature” or “subscription” includes mark when the signer or subscriber cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes his own name near the signer’s or subscriber’s name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

Oaths and Acknowledgments

18. Officers and employees of the Department of Motor Vehicles and the Department of the California Highway Patrol are, for the purposes of this code, authorized to administer oaths and acknowledge signatures, for which no fee shall be charged.

Attested Signatures

19. Whenever the acknowledgment of any document is required by this code or any regulation of either department, the signature of the applicant attested to in his presence by the signature of a subscribing witness is sufficient.

False Statements

20. It is unlawful to use a false or fictitious name, or to knowingly make any false statement or knowingly conceal any material fact in any document filed with the Department of Motor Vehicles or the Department of the California Highway Patrol.

Uniformity of Code

21. Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein.

Amended Ch. 2017, Stats. 1961. Effective September 15, 1961.

Method of Giving Notice

22. Whenever notice is required to be given under this code by a

department or any division, officer, employee, or agent, the notice shall be given either by personal delivery to the person to be notified, by certified mail, return receipt requested, or by mailing the notice, postage prepaid, addressed to the person at his or her address as shown by the records of the department.

Amended Sec. 54, Ch. 1154, Stats. 1996. Effective September 30, 1996.

When Notice Complete

23. The giving of notice by personal delivery is complete upon delivery of a copy of the notice to the person to be notified. The giving of notice by mail is complete upon the expiration of four days after deposit of the notice in the mail, except that in the case of a notice informing any person of an offense against him under Section 40001, the notice is complete 10 days after mailing.

Proof of Notice

24. Proof of the giving of notice may be made by the certificate of any officer, employee, or agent of the Department of Motor Vehicles and the Department of the California Highway Patrol or of any peace officer, or by an affidavit of any person over 18 years of age, naming the person to whom the notice was given and specifying the time, place, and manner of the giving of the notice.

Amended Sec. 55, Ch. 1154, Stats. 1996. Effective September 30, 1996.

Service of Civil Process and Subpoenas

24.5. All civil process in actions brought against the director and the Department of Motor Vehicles and all subpoenas for the production of department records shall be served upon the director or his appointed representatives at the department's headquarters.

Added Ch. 699, Stats. 1971. Operative May 3, 1972.

Unlawful Advertising as Department

25. (a) It is unlawful for any person to display or cause or permit to be displayed any sign, mark, or advertisement indicating an official connection with either the Department of Motor Vehicles or the Department of the California Highway Patrol unless such person has lawful authority, permission, or right to make such display.

(b) It is unlawful for the holder of any occupational license issued pursuant to Division 5 (commencing with Section 11100) to use the initials DMV, the Department of Motor Vehicles logogram, or the words Department of Motor Vehicles in any business name or telephone number. No occupational licensee may use the initials, logogram, or words in any advertisement in a way that indicates, or could be construed to indicate, any official connection with the Department of Motor Vehicles other than as a licensee.

Amended Ch. 1243, Stats. 1992. Effective September 30, 1992.

False Representation to Obtain Records or Information

25.5. It is unlawful for any person to falsely represent himself or herself in any manner as an employee of the Department of Motor Vehicles for the purpose of obtaining records or information to which he or she is not entitled.

Amended Ch. 466, Stats. 1982. Effective January 1, 1983.

Impersonation of Patrol Member

27. Any person who without authority impersonates, or wears the badge of, a member of the California Highway Patrol with intention to deceive anyone is guilty of a misdemeanor.

Notification of Repossession

28. (a) Whenever possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a security agreement or lease agreement, the person taking possession shall notify, within one hour after taking possession of the vehicle, and by the most expeditious means available, the city police department where the taking of possession occurred, if within an incorporated city, or the sheriff's department of the county where the taking of possession occurred, if outside an incorporated city, or the police department of a campus of the University of California or the California State University, if the taking of possession occurred on that campus, and shall within one business day forward a written notice to the city police or sheriff's department.

(b) Any person failing to notify the city police department, sheriff's department, or campus police department as required by this section is guilty of an infraction, and shall be fined a minimum of three hundred dollars (\$300), and up to five hundred dollars (\$500). The district attorney, city attorney, or city prosecutor shall promptly notify the Bureau of Security and Investigative Services of any conviction resulting from a violation of this section.

Amended Ch. 1268, Stats. 1993. Effective January 1, 1994.

Amended Sec. 37, Ch. 505, Stats. 1995. Effective January 1, 1996.

Amended Sec. 7, Ch. 1142, Stats. 1996. Effective September 30, 1996.

Amended Sec. 14, Ch. 1007, Stats. 1999. Effective January 1, 2000.

Method of Giving Notice

29. Whenever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

Added Ch. 426, Stats. 1959. Effective September 18, 1959. Supersedes Ch. 400, Stats. 1959.

Legislative Policy: Red Lights and Sirens

30. It is declared as a matter of legislative policy that red lights and sirens on vehicles should be restricted to authorized emergency vehicles engaged in police, fire and lifesaving services; and that other types of vehicles which are engaged in activities which create special hazards upon the highways should be equipped with flashing amber warning lamps.

Added Ch. 653, Stats. 1961. Effective September 15, 1961.

False Information to Peace Officer

31. No person shall give, either orally or in writing, information to a peace officer while in the performance of his duties under the provisions of this code when such person knows that the information is false.

Added Ch. 1264, Stats. 1965. Effective September 17, 1965.

Actions Local Authorities May Take by Resolution

32. Whenever local authorities are given the power to take action by ordinance pursuant to Division 11 (commencing with Section 21000) and Division 15 (commencing with Section 35000), they shall also have the power to take such action by resolution.

Added Ch. 1095, Stats. 1972. Effective March 7, 1973.

DIVISION 1. WORDS AND PHRASES DEFINED***Application of Definitions***

100. Unless the provision or context otherwise requires, these definitions shall govern the construction of this code.

Ability to Respond in Damages

102. “Ability to respond in damages” means financial responsibility.

Amended and Renumbered Ch. 974, Stats. 1992. Effective September 28, 1992. Former Section 95.

Agricultural Water-well Boring Rig

105. An “agricultural water-well boring rig” is a motor vehicle which is used exclusively in the boring of water-wells on agricultural property.

Airbrakes

108. “Airbrakes” means a brake system using compressed air either for actuating the service brakes at the wheels of the vehicle or as a source of power for controlling or applying service brakes which are actuated through hydraulic or other intermediate means.

Added Ch. 207, Stats. 1963. Effective September 20, 1963.

Alcoholic Beverage

109. “Alcoholic beverage” includes any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, alcoholic beverages as defined in Section 23004 of the Business and Professions Code, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.

For purposes of the Driver License Compact, “intoxicating liquor” as used in Section 15023 has the same meaning as “alcoholic beverage” as used in this code.

Amended and Renumbered Ch. 53, Stats. 1982. Effective February 18, 1982.

Alley

110. “Alley” is any highway having a roadway not exceeding 25 feet in width which is primarily used for access to the rear or side entrances of abutting property; provided, that the City and County of San Francisco may designate by ordinance or resolution as an “alley” any highway having a roadway not exceeding 25 feet in width.

Amended Ch. 833, Stats. 1965. Effective September 17, 1965.

All-Terrain Vehicle

111. “All-terrain vehicle” means a motor vehicle subject to subdivision (a) of Section 38010 which is all of the following:

(a) Designed for operation off of the highway by an operator with no passengers.

(b) Fifty inches or less in width.

(c) () *Nine* hundred pounds or less unladen weight.

(d) Suspended on three or more low-pressure tires.

(e) Has a single seat designed to be straddled by the operator.

(f) Has handlebars for steering control.

Amended Sec. 1, Ch. 205, Stats. 2002. Effective January 1, 2003.

The 2002 amendment added the italicized material, and at the point(s) indicated, deleted the following “Six”

All-Terrain Vehicle Safety Instructor

111.3. An “all-terrain vehicle safety instructor” is a person who is sponsored by an all-terrain vehicle safety training organization, who has completed a course in all-terrain vehicle safety instruction administered by an approved all-terrain vehicle safety training organization, and who has been licensed by the department pursuant to Section 11105.1.

Added Ch. 881, Stats. 1987. Effective January 1, 1988.

All-Terrain Vehicle Safety Training Organization

111.5. An “all-terrain vehicle safety training organization” is any organization which is approved to offer a program of instruction in all-terrain vehicle safety, including all-terrain vehicle safety instruction training, by the Off-Highway Vehicle Safety Education Committee and which has been issued a license by the department pursuant to Section 11105.6.

Added Ch. 881, Stats. 1987. Effective January 1, 1988.

Amber

112. “Amber” has the same meaning as “yellow,” and is within the chromaticity coordinate boundaries for yellow specified in regulations adopted by the Department of the California Highway Patrol.

Added Ch. 287, Stats. 1977. Effective January 1, 1978.

Armored Car

115. An “armored car” is a vehicle that is equipped with materials on either the front, sides, or rear for the protection of persons therein from missiles discharged from firearms.

Authorized Emergency Vehicle

165. An authorized emergency vehicle is:

(a) Any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated ambulance licensed by the Commissioner of the California Highway Patrol to operate in response to emergency calls.

(b) Any publicly owned vehicle operated by the following persons, agencies, or organizations:

(1) Any federal, state, or local agency, department, or district employing peace officers as that term is defined in Chapter 4.5 (commencing with Section 830) of Part 2 of Title 3 of the Penal Code, for use by those officers in the performance of their duties.

(2) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned the vehicle.

(e) Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work.

(f) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

Amended Ch. 1292, Stats. 1983. Effective January 1, 1984.

Authorized Emergency Vehicle: Rescue Team

165.5. No act or omission of any rescue team operating in conjunction with an authorized emergency vehicle as defined in Section 165, while attempting to resuscitate any person who is in immediate danger of loss of life, shall impose any liability upon the rescue team or the owners or operators of any authorized emergency vehicle, if good faith is exercised.

For the purposes of this section, “rescue team” means a special group of physicians and surgeons, nurses, volunteers, or employees of the owners or operators of the authorized emergency vehicle who have been trained in cardiopulmonary resuscitation and have been designated by the owners or operators of the emergency vehicle to attempt to resuscitate persons who are in immediate danger of loss of life in cases of emergency.

This section shall not relieve the owners or operators of any other duty imposed upon them by law for the designation and training of members of a rescue team or for any provisions regarding maintenance of equipment to be used by the rescue team.

Members of a rescue team shall receive the training in a program approved by, or conforming to, standards prescribed by an emergency medical care committee established pursuant to Article 3 (commencing with Section 1797.270) of Chapter 4 of Division 2.5 of the Health and Safety Code, or a voluntary area health planning agency established pursuant to Section 127155 of the Health and Safety Code.

Amended Sec. 421, Ch. 1023, Stats. 1996. Effective September 29, 1996.

Autobroker

166. An “autobroker” or “auto buying service” is a dealer, as defined in Section 285, who engages in the business of brokering, as defined in Section 232.5.

Added Ch. 1253, Stats. 1994. Effective January 1, 1995.

Automated Enforcement System

210. An “automated enforcement system” is any system operated by a governmental agency, in cooperation with a law enforcement agency, that photographically records a driver’s responses to a rail or rail transit signal or crossing gate, or both, or to an official traffic control signal described in Section 21450, and is designed to obtain a clear photograph of a vehicle’s license plate and the driver of the vehicle.

Added Ch. 1216, Stats. 1994. Effective January 1, 1995.

Amended and Repealed Sec. 1, Ch. 922, Stats. 1995. Effective January 1, 1996. Repeal operative January 1, 1999.

Amended Sec. 1, Ch. 54, Stats. 1998. Effective January 1, 1999.

Automobile Dismantler

220. An “automobile dismantler” is any person not otherwise expressly excluded by Section 221 who:

(a) Is engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under this code, including nonrepairable vehicles, for the purpose of dismantling the vehicles, who buys or sells the integral parts and component materials thereof, in whole or in part, or deals in used motor vehicle parts. This section does not apply to the occasional and incidental dismantling of vehicles by dealers who have secured dealers plates from the department for the current year whose principal business is buying and selling new and used vehicles, or by owners who desire to dismantle not more than three personal vehicles within any 12-month period.

(b) Notwithstanding the provisions of subdivision (a), keeps or maintains on real property owned by him, or under his possession or control, two or more unregistered motor vehicles no longer intended for, or in condition for,

legal use on the highways, whether for the purpose of resale of used parts, for the purpose of reclaiming for use some or all of the materials, whether metal, glass, fabric, or otherwise, or to dispose of them, or for any other purpose.

Amended Ch. 1008, Stats. 1994. Effective January 1, 1995. Operative July 1, 1995.

Automobile Dismantler: Exclusions

221. (a) The term “automobile dismantler” does not include any of the following:

(1) The owner or operator of any premises on which two or more unregistered and inoperable vehicles are held or stored, if the vehicles are used for restoration or replacement parts or otherwise, in conjunction with any of the following:

(A) Any business of a licensed dealer, manufacturer, or transporter.

(B) The operation and maintenance of any fleet of motor vehicles used for the transportation of persons or property.

(C) Any agricultural, farming, mining, or ranching business that does not sell parts of the vehicles, except for either of the following purposes:

(i) For use in repairs performed by that business.

(ii) For use by a licensed dismantler or an entity described in paragraph (3).

(D) Any motor vehicle repair business registered with the Bureau of Automotive Repair, or those exempt from registration under the Business and Professions Code or applicable regulations, that does not sell parts of the vehicles, except for either of the following purposes:

(i) For use in repairs performed by that business.

(ii) For use by a licensed dismantler or an entity described in paragraph (3).

(2) Any person engaged in the restoration of vehicles of the type described in Section 5004 or in the restoration of other vehicles having historic or classic significance.

(3) The owner of a steel mill, scrap metal processing facility, or similar establishment purchasing vehicles of a type subject to registration, not for the purpose of selling the vehicles, in whole or in part, but exclusively for the purpose of reducing the vehicles to their component materials, if either the facility obtains, on a form approved or provided by the department, a certification by the person from whom the vehicles are obtained that each of the vehicles has, been cleared for dismantling pursuant to Section 5500 or 11520, or the facility complies with Section 9564.

(4) Any person who acquires used parts or components for resale from vehicles which have been previously cleared for dismantling pursuant to Section 5500 or 11520.

Nothing in this paragraph permits a dismantler to acquire or sell used parts or components during the time the dismantler license is under suspension.

(b) Any vehicle acquired for the purpose specified in paragraph (3) of subdivision (a) from other than a licensed dismantler, or from other than an independent hauler who obtained the vehicle, or parts thereof from a licensed dismantler, shall be accompanied by either a receipt issued by the department evidencing proof of clearance for dismantling under Section 5500, or a copy of the ordinance or order issued by a local authority for the abatement of the vehicle pursuant to Section 22660. The steel mill, scrap metal processing facility, or similar establishment acquiring the vehicle shall attach the form evidencing clearance or abatement to the certification required pursuant to this section.

All forms specified in paragraph (3) of subdivision (a) and in this subdivision shall be available for inspection by a peace officer during business hours.

Amended Sec. 1, Ch. 316, Stats. 1999. Effective January 1, 2000.

Automobile Driver Training

223. Any reference in this code to “automobile driver training” shall be deemed to refer to the laboratory phase of driver education described by Section 51852 of the Education Code.

Amended Ch. 676, Stats. 1980. Effective January 1, 1981.

Auxiliary Dolly

225. An “auxiliary dolly” is a vehicle, not designed for carrying persons or property on its own structure, which is so constructed and used in conjunction with a semitrailer as to support a portion of the weight of the semitrailer and any load thereon, but not permanently attached to the semitrailer, although a part of the weight of such dolly may rest on another vehicle.

Axle

230. An “axle” is a structure or portion of a structure consisting of one or more shafts, spindles, or bearings in the same vertical transverse plane by means of which, in conjunction with wheels mounted on said shafts, spindles, or bearings, a portion of the weight of a vehicle and its load, if any, is continuously transmitted to the roadway when the vehicle is in motion.

B-Train Assembly

230.5. A “B-train assembly” is a rigid frame extension attached to the rear frame of a semitrailer which allows for a fifth wheel connection point for a second semitrailer.

Added Ch. 13, Stats. 1991. Effective February 13, 1991.

Bicycle

231. A bicycle is a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels. Persons riding bicycles are subject to the provisions of this code specified in Sections 21200 and 21200.5.

Amended Ch. 1013, Stats. 1985. Effective January 1, 1986.

Board

232. The “board” is the New Motor Vehicle Board.

Added Ch. 996, Stats. 1973. Operative July 1, 1974.

Brokering

232.5. “Brokering” is an arrangement under which a dealer, for a fee or other consideration, regardless of the form or time of payment, provides or offers to provide the service of arranging, negotiating, assisting, or effectuating the purchase of a new or used motor vehicle, not owned by the dealer, for another or others.

Added Ch. 1253, Stats. 1994. Effective January 1, 1995.

Bus

233. (a) Except as provided in subdivision (b), a bus is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 15 persons including the driver.

(b) A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus.

(c) This section does not alter the definition of a schoolbus, school pupil activity bus, general public paratransit vehicle, farm labor vehicle, or youth bus.

(d) A vanpool vehicle is not a bus.

Amended Ch. 675, Stats. 1994. Effective January 1, 1995.

Business

234. A “business” includes a proprietorship, partnership, corporation, and any other form of commercial enterprise.

Added Ch. 1563, Stats. 1990. Effective January 1, 1991.

Business District

235. A “business district” is that portion of a highway and the property contiguous thereto (a) upon one side of which highway, for a distance of 600 feet, 50 percent or more of the contiguous property fronting thereon is occupied by buildings in use for business, or (b) upon both sides of which highway, collectively, for a distance of 300 feet, 50 percent or more of the contiguous property fronting thereon is so occupied. A business district may be longer than the distances specified in this section if the above ratio of buildings in use for business to the length of the highway exists.

Business Representative

236. A “business representative” means a proprietor, a limited or general partner, a managerial employee, a stockholder, a director, or an officer who is active in the management, direction, and control of that part of a business which is a licensed activity.

Added Ch. 1563, Stats. 1990. Effective January 1, 1991.

Business and Residence Districts: Determination

240. In determining whether a highway is within a business or residence district, the following limitations shall apply and shall qualify the definitions in Sections 235 and 515:

(a) No building shall be regarded unless its entrance faces the highway and the front of the building is within 75 feet of the roadway.

(b) Where a highway is physically divided into two or more roadways only those buildings facing each roadway separately shall be regarded for the purpose of determining whether the roadway is within a district.

(c) All churches, apartments, hotels, multiple dwelling houses, clubs, and public buildings, other than schools, shall be deemed to be business structures.

(d) A highway or portion of a highway shall not be deemed to be within a district regardless of the number of buildings upon the contiguous property if there is no right of access to the highway by vehicles from the contiguous property.

Camp Trailer

242. A “camp trailer” is a vehicle designed to be used on a highway, capable of human habitation for camping or recreational purposes, that does not exceed 16 feet in overall length from the foremost point of the trailer hitch to the rear extremity of the trailer body and does not exceed 96 inches in width and includes any tent trailer. Where a trailer telescopes for travel, the size shall apply to the trailer as fully extended. Notwithstanding any other provision of law, a camp trailer shall not be deemed to be a trailer coach.

Added Ch. 1536, Stats. 1971. Operative May 3, 1972.

Camper

243. A “camper” is a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes. A camper having one axle shall not be considered a vehicle.

Amended Ch. 228, Stats. 1968. Effective May 29, 1968.

Carry-all

245. A “carry-all” is that type of earth-moving equipment which is not self-propelled but which is designed for use behind tractors or other motive power and which is self-loading by means of a cutting blade which is lowered at an angle to dig into the ground. The term includes, but is not limited to, such types of vehicles as carry the trade names of LaPlant-Choate, LeTourneau, and Be Ge.

Certificate of Compliance

246. A “certificate of compliance” for the purposes of this code is an electronic or printed document issued by a state agency, board, or commission, or authorized person, setting forth that the requirements of a particular law, rule or regulation, within its jurisdiction to regulate or administer has been satisfied.

Amended Sec. 15, Ch. 1007, Stats. 1999. Effective January 1, 2000.

Chop Shop

250. A chop shop is any building, lot, or other premises where any person has been engaged in altering, destroying, disassembling, dismantling, reassembling, or storing any motor vehicle or motor vehicle part known to be illegally obtained by theft, fraud, or conspiracy to defraud, in order to do either of the following:

(a) Alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number, of a motor vehicle or motor vehicle part, in order to misrepresent the identity of the motor vehicle or motor vehicle part, or to prevent the identification of the motor vehicle or motor vehicle part.

(b) Sell or dispose of the motor vehicle or motor vehicle part.

Added Ch. 386, Stats. 1993. Effective September 8, 1993.

City

255. “City” includes every city and city and county within this State.

Clean Fuel Vehicle

257. A “clean fuel vehicle” means any passenger or commercial vehicle or pickup truck that is fueled by alternative fuels, as defined in Section 301 of the Energy Policy Act of 1992 (P.L. 102-486), and produces emissions which do not exceed whichever of the following standards, as defined by regulations of the State Air Resources Board in effect on January 1, 1994, is applicable to the model year of the vehicle:

(a) For a vehicle of the 1994 to 1996, inclusive, model year, the emission standard applicable to a transitional low-emission vehicle.

(b) For a vehicle of the 1997 model year, the emission standard applicable to a low-emission vehicle.

(c) For a vehicle of the 1998 to 2000, inclusive, model year, the emission standard applicable to an ultra low-emission vehicle.

Added Ch. 1159, Stats. 1993. Effective January 1, 1994.

Commercial Vehicle

260. (a) A “commercial vehicle” is a motor vehicle of a type required to be registered under this code used or maintained for the transportation of

persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

(b) Passenger vehicles which are not used for the transportation of persons for hire, compensation, or profit and housecars are not commercial vehicles. This subdivision shall not apply to Chapter 4 (commencing with Section 6700) of Division 3.

(c) Any vanpool vehicle is not a commercial vehicle.

(d) The definition of a commercial vehicle in this section does not apply to Chapter 7 (commencing with Section 15200) of Division 6.

Amended Sec. 11, Ch. 861, Stats. 2000. Effective September 28, 2000. Operative December 31, 2001.

Commissioner

265. The “commissioner” is the Commissioner of the California Highway Patrol.

Consignment

266. A “consignment” is an arrangement under which a dealer agrees to accept possession of a vehicle of a type required to be registered under this code from an owner for the purpose of selling the vehicle and to pay the owner or the owner’s designee from the proceeds of the sale.

Amended Ch. 815, Stats. 1991. Effective January 1, 1992.

Converter

267. A “converter” is a person, other than a vehicle manufacturer, who, prior to the retail sale of a new vehicle, does any of the following to the vehicle:

(a) Assembles, installs, or affixes a body, cab, or special equipment to the vehicle chassis.

(b) Substantially adds to, subtracts from, or modifies the vehicle, if it is a previously assembled or manufactured new vehicle.

Added Sec. 1, Ch. 211, Stats. 1995. Effective January 1, 1996.

County

270. “County” includes every county and city and county within this State.

Crib Sheet or Cribbing Device

273. A “crib sheet” or “cribbing device” is any paper or device designed for cheating by supplying examination answers without questions to an applicant for the purpose of fraudulently qualifying the applicant for any class of driver’s license, permit, or certificate.

Added Ch. 960, Stats. 1986. Effective January 1, 1987.

Crosswalk

275. “Crosswalk” is either:

(a) That portion of a roadway included within the prolongation or connection of the boundary lines of sidewalks at intersection where the intersecting roadways meet at approximately right angles, except the prolongation of such lines from an alley across a street.

(b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Notwithstanding the foregoing provisions of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

Darkness

280. “Darkness” is any time from one-half hour after sunset to one-half

hour before sunrise and any other time when visibility is not sufficient to render clearly discernible any person or vehicle on the highway at a distance of 1000 feet.

Amended Ch. 635, Stats. 1974. Effective January 1, 1975.

Dealer

285. “Dealer” is a person not otherwise expressly excluded by Section 286 who:

(a) For commission, money, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates or attempts to negotiate, a sale or exchange of an interest in, a vehicle subject to registration, a motorcycle subject to identification under this code, or a trailer subject to identification pursuant to Section 5014.1, or induces or attempts to induce any person to buy or exchange an interest in a vehicle and, who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of the vehicle.

(b) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not the vehicles are owned by the person.

Amended Sec. 1, Ch. 539, Stats. 2001. Effective January 1, 2002.

Dealer: Exclusions

286. The term “dealer” does not include any of the following:

(a) Insurance companies, banks, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who sells vehicles under a contractual right or obligation, in performance of an official duty, or in authority of any court of law, if the sale is for the purpose of saving the seller from loss or pursuant to the authority of a court.

(b) Persons who sell or distribute vehicles of a type subject to registration or trailers subject to identification pursuant to Section 5014.1 for a manufacturer to vehicle dealers licensed under this code, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by those manufacturers or distributors. However, any of those persons who also sell vehicles at retail are vehicle dealers and are subject to this code.

(c) Persons regularly employed as salespersons by vehicle dealers licensed under this code while acting within the scope of that employment.

(d) Persons engaged exclusively in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States, if no federal excise tax is legally payable or refundable on any of the transactions. Persons not engaged exclusively in the bona fide business of exporting vehicles, but who are engaged in the business of soliciting orders for the sale and delivery of vehicles, outside the territorial limits of the United States are exempt from licensure as dealers only if their sales of vehicles produce less than 10 percent of their total gross revenue from all business transacted.

(e) Persons not engaged in the purchase or sale of vehicles as a business, who dispose of any vehicle acquired and used in good faith, for their own personal use, or for use in their business, and not for the purpose of avoiding the provisions of this code.

(f) Persons who are engaged in the purchase, sale, or exchange of vehicles, other than motorcycles **or trailers** subject to identification under this code, which are not intended for use on the highways.

(g) Persons temporarily retained as auctioneers solely for the purpose of

disposing of vehicle stock inventories by means of public auction on behalf of the owners at the owners' place of business, or as otherwise approved by the department, if intermediate physical possession or control of, or an ownership interest in, the inventory is not conveyed to the persons so retained.

(h) Persons who are engaged exclusively in the business of purchasing, selling, servicing, or exchanging racing vehicles, parts for racing vehicles, and trailers designed and intended by the manufacturer to be used exclusively for carrying racing vehicles. For purposes of this subdivision, "racing vehicle" means a motor vehicle of a type used exclusively in a contest of speed or in a competitive trial of speed which is not intended for use on the highways.

(i) Any person who is a lessor.

(j) Any person who is a renter.

(k) Any salvage pool.

(l) Any yacht broker who is subject to the Yacht and Ship Brokers Act (Article 2 (commencing with Section 700) of Chapter 5 of Division 3 of the Harbors and Navigation Code) and who sells used boat trailers in conjunction with the sale of a vessel.

(m) Any licensed automobile dismantler who sells vehicles that have been reported for dismantling as provided in Section 11520.

(n) The Director of Corrections when selling vehicles pursuant to Section 2813.5 of the Penal Code.

(o) (1) Any public or private nonprofit charitable, religious, or educational institution or organization that sells vehicles if all of the following conditions are met:

(A) The institution or organization qualifies for state tax-exempt status under Section 23701d of the Revenue and Taxation Code, and tax-exempt status under Section 501(c)(3) of the federal Internal Revenue Code.

(B) The vehicles sold were donated to the nonprofit charitable, religious, or educational institution or organization.

(C) The vehicles subject to retail sale meet all of the applicable equipment requirements of Division 12 (commencing with Section 24000) and are in compliance with emission control requirements as evidenced by the issuance of a certificate pursuant to subdivision (b) of Section 44015 of the Health and Safety Code. Under no circumstances may any institution or organization transfer the responsibility of obtaining a smog inspection certificate to the buyer of the vehicle.

(D) The proceeds of the sale of the vehicles are retained by that institution or organization for its charitable, religious, or educational purposes.

(2) An institution or organization described in paragraph (1) may sell vehicles on behalf of another institution or organization under the following conditions:

(A) The nonselling institution or organization meets the requirements of paragraph (1).

(B) The selling and nonselling institutions or organizations enter into a signed, written agreement pursuant to subparagraph (A) of paragraph (3) of subdivision (a) of Section 1660.

(C) The selling institution or organization transfers the proceeds from the sale of each vehicle to the nonselling institution or organization within 45 days of the sale. All net proceeds transferred to the nonselling institution or organization shall clearly be identifiable to the sale of a specific vehicle. The selling institution or organization may retain a percentage of the proceeds from the sale of a particular vehicle. However, any retained proceeds shall be

used by the selling institution or organization for its charitable, religious, or educational purposes.

(D) At the time of transferring the proceeds, the selling institution or organization shall provide to the nonselling institution or organization, an itemized listing of the vehicles sold and the amount for which each vehicle was sold.

(E) In the event the selling institution or organization cannot complete a retail sale of a particular vehicle, or if the vehicle cannot be transferred as a wholesale transaction to a dealer licensed under this code, the vehicle shall be returned to the nonselling institution or organization and the written agreement revised to reflect that return. Under no circumstances may a selling institution or organization transfer or donate the vehicle to a third party that is excluded from the definition of a dealer under this section.

(3) An institution or organization described in this subdivision shall retain all records required to be retained pursuant to Section 1660.

(p) Any motor club, as defined in Section 12142 of the Insurance Code, that does not arrange or negotiate individual motor vehicle purchase transactions on behalf of its members but refers members to a new motor vehicle dealer for the purchase of a new motor vehicle and does not receive a fee from the dealer contingent upon the sale of the vehicle.

Amended Ch. 1253, Stats. 1994. Effective January 1, 1995.

Amended Sec. 2.5, Ch. 539, Stats. 2001. Effective January 1, 2002.

Amended Sec. 3, Ch. 758, Stats. 2002. Effective January 1, 2003.

The 2002 amendment added the italicized material.

Declared Combined Gross Weight

288. “Declared combined gross weight” equals the total unladen weight of the combination of vehicles plus the heaviest load that will be transported by that combination of vehicles.

Added Sec. 12, Ch. 861, Stats. 2000. Effective September 28, 2000. Operative December 31, 2001.

Declared Gross Vehicle Weight

289. “Declared gross vehicle weight” means weight that equals the total unladen weight of the vehicle plus the heaviest load that will be transported on the vehicle.

Added Sec. 13, Ch. 861, Stats. 2000. Effective September 28, 2000. Operative December 31, 2001.

Department

290. “Department” means the Department of Motor Vehicles except, when used in Chapter 2 (commencing with Section 2100) of Division 2 and in Divisions 11 (commencing with Section 21000), 12 (commencing with Section 24000), 13 (commencing with Section 29000), 14 (commencing with Section 31600), 14.1 (commencing with Section 32000), 14.3 (commencing with Section 32100), 14.5 (commencing with Section 33000), 14.7 (commencing with Section 34000), and 14.8 (commencing with Section 34500), it shall mean the Department of the California Highway Patrol.

Amended Ch. 1384, Stats. 1988. Effective January 1, 1989.

Department of Transportation

291. Any reference in this code to the Department of Public Works shall be deemed to refer to the Department of Transportation, which is part of the Business, Transportation and Housing Agency as provided by Section 13975 of the Government Code.

Amended Ch. 454, Stats. 1982. Effective January 1, 1983.

Director

295. The “director” is the Director of Motor Vehicles.

Disabled Person

295.5. A “disabled person” is any of the following:

(a) Any person who has lost, or has lost the use of, one or more lower extremities or both hands, or who has significant limitation in the use of lower extremities, or who has diagnosed disease or disorder which substantially impairs or interferes with mobility, or who is so severely disabled as to be unable to move without the aid of an assistant device.

(b) Any person who is blind to the extent that the person’s central visual acuity does not exceed 20/200 in the better eye, with corrective lenses, as measured by the Snellen test, or visual acuity that is greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than 20 degrees.

(c) Any person who suffers from lung disease to the extent of any of the following:

(1) The person’s forced (respiratory) expiratory volume for one second when measured by spirometry is less than one liter.

(2) The person’s arterial oxygen tension (pO₂) is less than 60 mm/Hg on room air while the person is at rest.

(d) Any person who is impaired by cardiovascular disease to the extent that the person’s functional limitations are classified in severity as class III or class IV based upon standards accepted by the American Heart Association.

Added Ch. 554, Stats. 1989. Effective January 1, 1990.

Disabled Veteran

295.7. A “disabled veteran” is any person who, as a result of injury or disease suffered while on active service with the armed forces of the United States, suffers any of the following:

(a) Has a disability which has been rated at 100 percent by the Department of Veterans Affairs or the military service from which the veteran was discharged, due to a diagnosed disease or disorder which substantially impairs or interferes with mobility.

(b) Is so severely disabled as to be unable to move without the aid of an assistant device.

(c) Has lost, or has lost use of, one or more limbs.

(d) Has suffered permanent blindness, as defined in Section 19153 of the Welfare and Institutions Code.

Added Ch. 554, Stats. 1989. Effective January 1, 1990.

Distributor

296. A “distributor” is any person other than a manufacturer who sells or distributes new vehicles subject to registration under this code, new trailers subject to identification pursuant to Section 5014.1, or new off-highway motorcycles subject to identification under this code, to dealers in this state and maintains representatives for the purpose of contacting dealers or prospective dealers in this state.

Amended Sec. 3, Ch. 539, Stats. 2001. Effective January 1, 2002.

Distributor Branch

297. A “distributor branch” is an office maintained by a distributor for the sale of new vehicles or new trailers subject to identification pursuant to Section 5014.1 to dealers or for directing or supervising, in whole or in part, the distributor’s representatives.

Amended Sec. 4, Ch. 539, Stats. 2001. Effective January 1, 2002.

Drawbar

300. A “drawbar” is a rigid structure forming a connection between a

trailer and a towing vehicle, securely attached to both vehicles by nonrigid means and carrying no part of the load of either vehicle.

Driveaway-Towaway Operation

303. A “driveaway-towaway operation” is any operation in which any motor vehicle or combination of motor vehicles coupled together constitutes the commodity being transported, when one or more sets of wheels of any such motor vehicle or motor vehicles are on the roadway, and when one or more of such vehicles are being operated under a manufacturer’s, dealer’s, or transporter’s special plates.

Added Ch. 1989, Stats. 1961. Effective September 15, 1961.

Driver

305. A “driver” is a person who drives or is in actual physical control of a vehicle. The term “driver” does not include the tillerman or other person who, in an auxiliary capacity, assists the driver in the steering or operation of any articulated firefighting apparatus.

Amended Ch. 213, Stats. 1971. Operative May 3, 1972.

Driver’s License

310. “Driver’s license” is a valid license to drive the type of motor vehicle or combination of vehicles for which a person is licensed under this code or by a foreign jurisdiction.

Amended Ch. 213, Stats. 1971. Operative May 3, 1972.

Driving Instructor

310.4. A “driving instructor” is, except as provided in Section 11105.5, an employee of a driving school licensed by the department to instruct others in the operation of motor vehicles.

Added Ch. 703, Stats. 1975. Effective January 1, 1976.

Driving School

310.6. A “driving school” is a business which, for compensation, conducts or offers to conduct instruction in the operation of motor vehicles. As used in this section, “instruction” includes classroom driver education, in-vehicle driver training, and correspondence study.

Added Ch. 703, Stats. 1975. Effective January 1, 1976.

Driving School Operator

310.8. A “driving school operator” is either a driving school owner who operates his own driving school or an employee of a driving school who is designated by the driving school owner of such school to personally direct and manage the school for the owner.

Amended Ch. 703, Stats. 1975. Effective January 1, 1976.

Driving School Owner

311. A “driving school owner” is any person licensed by the department to engage in the business of giving instruction for compensation in the driving of motor vehicles or in the preparation of an applicant for examination for a driver’s license issued by the department.

Amended Ch. 703, Stats. 1975. Effective January 1, 1976.

Drug

312. The term “drug” means any substance or combination of substances, other than alcohol, which could so affect the nervous system, brain, or muscles of a person as to impair, to an appreciable degree, his ability to drive a vehicle in the manner that an ordinarily prudent and cautious man, in full possession of his faculties, using reasonable care, would drive a similar vehicle under like conditions.

Added Ch. 1530, Stats. 1971. Operative May 3, 1972.

Electric Personal Assistive Mobility Device

313. (a) *The term “electric personal assistive mobility device” or “EPAMD” means a self-balancing, nontandem two-wheeled device, that can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 750 watts (1 horsepower), the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is less than 12.5 miles per hour.*

(b) This section shall become operative on March 1, 2003, and remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

Added and repealed Sec. 1, Ch. 979, Stats. 2002. Effective January 1, 2003. Operative March 1, 2003. Repeal operative January 1, 2008.

NOTE: The preceding section shall remain in effect only until January 1, 2008, and as of that date is repealed.

Essential Parts

315. “Essential parts” are all integral and body parts of a vehicle of a type required to be registered under this code, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance.

Established Place of Business

320. “Established place of business” is a place actually occupied either continuously or at regular periods by any of the following:

(a) A dealer, remanufacturer, remanufacturer branch, manufacturer, manufacturer branch, distributor, distributor branch, automobile driving school, or traffic violator school where the books and records pertinent to the type of business being conducted are kept.

(b) An automobile dismantler where the books and records pertinent to the type of business being conducted are kept. A place of business of an automobile dismantler which qualified as an “established place of business” before September 17, 1970, is an “established place of business” as defined in this section.

(c) A registration service where the books and records pertinent to the type of business being conducted are kept.

Amended Ch. 1243, Stats. 1992. Effective September 30, 1992.

Extralegal Load

320.5. An “extralegal load” is a single unit or an assembled item which, due to its design, cannot be reasonably reduced or dismantled in size or weight so that it can be legally transported as a load without a permit as required by Section 35780. This section does not apply to loads on passenger cars.

Added Ch. 145, Stats. 1983. Effective June 28, 1983.

Factory-Built Housing

321. “Factory-built housing” is a structure as defined in Section 19971 of the Health and Safety Code. As used in this code, factory-built housing is a trailer coach which is in excess of eight feet in width or in excess of 40 feet in length.

Added Ch. 1150, Stats. 1980. Effective January 1, 1981.

Farm Labor Vehicle

322. (a) A “farm labor vehicle” is any motor vehicle designed, used, or maintained for the transportation of nine or more farmworkers, in addition

to the driver, to or from a place of employment or employment-related activities.

(b) For the purpose of this section, a farmworker is any person engaged in rendering personal services for hire and compensation in connection with the production or harvesting of any farm products.

(c) “Farm labor vehicle” does not include:

(1) Any vehicle carrying only members of the immediate family of the owner or driver thereof.

(2) Any vehicle while being operated under specific authority granted by the Public Utilities Commission or under specific authority granted to a transit system by an authorized city or county agency.

Amended Sec. 1, Ch. 308, Stats. 2000. Effective January 1, 2001.

Fifth-Wheel Travel Trailer

324. A “fifth-wheel travel trailer” is a vehicle designed for recreational purposes to carry persons or property on its own structure and so constructed as to be drawn by a motor vehicle by means of a kingpin connecting device.

Added Ch. 1358, Stats. 1990. Effective January 1, 1991.

Former Prisoner of War

324.5 A “former prisoner of war” is any person who, while serving as a member of the United States Armed Forces, as a member of the Philippine Commonwealth Armed Forces, as a part of a United States Expeditionary Force, or as a United States civilian, was held as a prisoner of war by forces hostile to the United States during any armed conflict and is currently a resident of California.

Added Ch. 893, Stats. 1991. Effective January 1, 1992.

Foreign Jurisdiction

325. A “foreign jurisdiction” is any other state, the District of Columbia, territories or possessions of the United States, and foreign states, provinces, or countries.

Foreign Vehicle

330. A “foreign vehicle” is a vehicle of a type required to be registered under this code brought into this State from a foreign jurisdiction other than in the ordinary course of business, by or through a manufacturer or dealer and not registered in this State.

Franchise

331. (a) A “franchise” is a written agreement between two or more persons having all of the following conditions:

(1) A commercial relationship of definite duration or continuing indefinite duration.

(2) The franchisee is granted the right to offer for sale or lease, or to sell or lease at retail new motor vehicles or new trailers subject to identification pursuant to Section 5014.1 manufactured or distributed by the franchisor or the right to perform authorized warranty repairs and service, or the right to perform any combination of these activities. .

(3) The franchisee constitutes a component of the franchisor's distribution system.

(4) The operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor.

(5) The operation of a portion of the franchisee's business is substantially reliant on the franchisor for a continued supply of new vehicles, parts, or accessories.

(b) The term “franchise” does not include an agreement entered into by a manufacturer or distributor and a person where all the following apply:

(1) The person is authorized to perform warranty repairs and service on vehicles manufactured or distributed by the manufacturer or distributor.

(2) The person is not a new motor vehicle dealer franchisee of the manufacturer or distributor.

(3) The person's repair and service facility is not located within the relevant market area of a new motor vehicle dealer franchisee of the manufacturer or distributor.

Amended Sec. 1, Ch. 662, Stats. 1998. Effective January 1, 1999.

Amended Sec. 5, Ch. 539, Stats. 2001. Effective January 1, 2002.

Franchisee

331.1. A “franchisee” is any person who, pursuant to a franchise, receives new motor vehicles subject to registration under this code, new off-highway motorcycles, as defined in Section 436, or new trailers subject to identification pursuant to Section 5014.1 from the franchisor and who offers for sale or lease, or sells or leases the vehicles at retail or is granted the right to perform authorized warranty repairs and service, or the right to perform any combination of these activities.

Amended Sec. 2, Ch. 662, Stats. 1998. Effective January 1, 1999.

Amended Sec. 6, Ch. 539, Stats. 2001. Effective January 1, 2002.

Franchisor

331.2. A “franchisor” is any person who manufactures, assembles, or distributes new motor vehicles subject to registration under this code, new off-highway motorcycles, as defined in Section 436, or new trailers subject to identification pursuant to Section 5014.1 and who grants a franchise.

Amended Sec. 7, Ch. 539, Stats. 2001. Effective January 1, 2002.

Freeway

332. “Freeway” is a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access.

Gantry Truck

335. A “gantry truck” is a motor vehicle so designed and constructed that it straddles the load to be transported and by means of appropriate mechanism picks up the load and supports it during transportation.

General Public Paratransit Vehicle

336. “General public paratransit” vehicle means any motor vehicle designed for carrying no more than 24 persons and the driver, that provides local transportation to the general public, including transportation of pupils at or below the 12th-grade level to or from a public or private school or school activity, under the exclusive jurisdiction of a publicly owned and operated transit system through one of the following modes: dial-a-ride, subscription service, or route-deviated bus service. Vehicles used in the exclusive transportation of disabled persons as defined in Section 99206.5 of the Public Utilities Code, or of persons 55 years of age or older, including any persons necessary to provide assistance to these passengers, are not general public paratransit vehicles.

However, transportation of attendants, companions, or both traveling together with those individuals with disabilities who are determined to be eligible for complementary paratransit services in accordance with Title II of the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted pursuant thereto, shall not be sufficient to qualify a

vehicle as a general public paratransit vehicle.

A vehicle that provides local transportation for the general public through one of the following modes: dial-a-ride, subscription service, or route-deviated bus service, but does not provide transportation of pupils at or below the 12th-grade level to or from a public or private school or school activity, is a transit bus, as defined by Section 642, and is not a general public paratransit vehicle.

Amended Ch. 844, Stats. 1993. Effective January 1, 1994.

Garage

340. A “garage” is a building or other place wherein the business of storing or safekeeping vehicles of a type required to be registered under this code and which belong to members of the general public is conducted for compensation.

Golf Cart

345. A “golf cart” is a motor vehicle having not less than three wheels in contact with the ground, having an unladen weight less than 1,300 pounds, which is designed to be and is operated at not more than 15 miles per hour and designed to carry golf equipment and not more than two persons, including the driver.

Added Ch. 1303, Stats. 1968. Effective November 13, 1968.

Gross Vehicle Weight Rating: Gross Combination Weight Rating

350. (a) “Gross vehicle weight rating” (GVWR) means the weight specified by the manufacturer as the loaded weight of a single vehicle.

(b) Gross combination weight rating (GCWR) means the weight specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a weight specified by the manufacturer, GCWR shall be determined by adding the GVWR of the power unit and the total unladen weight of the towed units and any load thereon.

Amended and renumbered from 390 Sec. 14, Ch. 861, Stats. 2000. Operative December 31, 2001.

Hazardous Material

353. “Hazardous material” is any substance, material, or device posing an unreasonable risk to health, safety, or property during transportation, as defined by regulations adopted pursuant to Section 2402.7. “Hazardous material” includes explosives and hazardous wastes or substances as defined by regulations adopted pursuant to Section 25141 of the Health and Safety Code and medical wastes, as defined in Section 117690 of the Health and Safety Code.

Amended Sec. 422, Ch. 1023, Stats. 1996. Effective September 29, 1996.

Highway

360. “Highway” is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

House Car

362. A “house car” is a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a house car except that, for the purposes of Division 11 (commencing with Section 21000) and Division 12 (commencing with Section 24000), a motor vehicle equipped with a camper having an axle that is designed to support a portion of the weight of the camper unit shall be considered a three-axle house car regardless of the method of attachment

or manner of registration. A house car shall not be deemed to be a motortruck.

Amended Ch. 875, Stats. 1968. Effective November 13, 1968.

Intersection

365. An “intersection” is the area embraced within the prolongations of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways, of two highways which join one another at approximately right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Legal Owner

370. A “legal owner” is a person holding a security interest in a vehicle which is subject to the provisions of the Uniform Commercial Code, or the lessor of a vehicle to the state or to any county, city, district, or political subdivision of the state, or to the United States, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

Amended Ch. 1867, Stats. 1963. Effective September 20, 1963. Supersedes Ch. 819.

Lessee

371. Lessee includes “bailee” and is a person who leases, offers to lease, or is offered the lease of a motor vehicle for a term exceeding four months.

Added Ch. 1284, Stats. 1976. Effective January 1, 1977.

Lessor

372. A “lessor” is a person who, for a term exceeding four months, leases or offers for lease, negotiates or attempts to negotiate a lease, or induce any person to lease a motor vehicle; and who receives or expects to receive a commission, money, brokerage fees, profit or any other thing of value from the lessee of said vehicle. “Lessor” includes “bailor” and “lease” includes “bailment.”

Added Ch. 1284, Stats. 1976. Effective January 1, 1977.

Lessor-Retailer

373. A “lessor-retailer” is a lessor or renter who, except under the circumstances described in subdivision (a) of Section 286, makes a retail sale or sales of a previously leased or rented vehicle or vehicles to other than any of the following:

(a) The lessee of the vehicle, or the person who, for a period of at least one year, has been designated by the lessee as the driver of the vehicle covered by a written lease agreement.

(b) A buyer for agricultural, business, or commercial purposes.

(c) A government or governmental agency or instrumentality.

Amended Ch. 561, Stats. 1979. Effective January 1, 1980.

Lighting Equipment

375. “Lighting equipment” is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, fog taillamp, taillamp, stoplamp, supplemental stoplamp, license plate lamp, clearance lamp, side marker lamp, signal lamp or device, supplemental signal lamp, deceleration signal device, cornering lamp, running lamp, red, blue, amber, or white warning lamp, flashing red schoolbus lamp, side-mounted turn signal lamp, and schoolbus side lamp.

(b) Any operating unit or canceling mechanism for turn signal lamps or for the simultaneous flashing of turn signal lamps as vehicular hazard signals, and any advance stoplamp switch.

(c) Any flasher mechanism for turn signals, red schoolbus lamps, warning

lamps, the simultaneous flashing of turn signal lamps as vehicular hazard signals, and the headlamp flashing systems for emergency vehicles.

(d) Any equipment regulating the light emitted from any lamp or device or the light sources therein.

(e) Any reflector, including reflectors for use on bicycles, and reflectors used for required warning devices.

Amended Ch. 13, Stats. 1991. Effective February 13, 1991.

Limit Line

377. A “limit line” is a solid white line not less than 12 nor more than 24 inches wide, extending across a roadway or any portion thereof to indicate the point at which traffic is required to stop in compliance with legal requirements.

Logging Dolly

378. A “logging dolly” is a vehicle designed for carrying logs, having one or more axles which axles, if there be more than one, are not more than 54 inches apart, and used in connection with a motor truck solely for the purpose of transporting logs and securely connected with the towing vehicle both by a reach and by the load.

Added Ch. 292, Stats. 1963. Effective September 20, 1963.

Logging Vehicle

379. A “logging vehicle” is a vehicle used exclusively in the conduct of logging operations and not designed for the transportation of persons or property on a highway.

Added Ch. 517, Stats. 1975. Effective January 1, 1976.

Liquefied Petroleum Gas

380. “Liquefied petroleum gas” means normal butane, isobutane, propane, or butylene (including isomers) or mixtures composed predominantly thereof in liquid or gaseous state having a vapor pressure in excess of 40 pounds per square inch absolute at a temperature of 100 degrees Fahrenheit.

Amended Ch. 825, Stats. 1977. Effective January 1, 1978.

Local Authorities

385. “Local authorities” means the legislative body of every county or municipality having authority to adopt local police regulations.

Low-Speed Vehicles

385.5. A “low-speed vehicle” is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. For the purposes of this section, a “low-speed vehicle” is not a golf cart, except when operated pursuant to Section 21115 or 21115.1.

Added Sec. 1, Ch. 140, Stats. 1999. Effective January 1, 2000.

Managerial Employee

386. A “managerial employee” is a person who exercises control over a business licensed under this code, whether compensated by salary or commission, including, but not limited to, any person who is employed as a general manager, business manager, assistant general manager, finance and insurance manager, advertising manager, or sales manager.

Added Ch. 791, Stats. 1982. Effective January 1, 1983.

Manufactured Home

387. “Manufactured home” is a manufactured home, as defined in

Section 18007 of the Health and Safety Code, a commercial coach, as defined in Section 18001.8 of the Health and Safety Code, a mobilehome, as defined in Section 18008 of the Health and Safety Code, factory-built housing, as defined in Section 18971 of the Health and Safety Code, and a trailer coach which is in excess of 102 inches in width, or in excess of 40 feet in overall length measured from the foremost point of the trailer hitch to the rear extremity of the trailer. Manufactured home does not include a recreational vehicle, as defined in Section 18010 of the Health and Safety Code.

Amended Ch. 1185, Stats. 1986. Effective January 1, 1987. Supersedes Ch. 248.

Manufacturer Branch

389. A “manufacturer branch” is an office maintained by a manufacturer for the sale of new vehicles to dealers or for directing or supervising in whole or in part the manufacturer’s representatives.

Amended Ch. 797, Stats. 1978. Effective January 1, 1979.

Metal Tire

395. A “metal tire” is a tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

Mobilehome

396. “Mobilehome” is a structure as defined in Section 18008 of the Health and Safety Code. For the purposes of enforcement of highway safety laws and regulations, a mobilehome is a trailer coach which is in excess of 102 inches in width, or in excess of 40 feet in overall length measured from the foremost point of the trailer hitch to the rear extremity of the trailer.

Amended Ch. 1185, Stats. 1986. Effective January 1, 1987.

Motorcycle

400. (a) A “motorcycle” is any motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and weighing less than 1,500 pounds.

(b) A motor vehicle that has four wheels in contact with the ground, two of which are a functional part of a sidecar, is a motorcycle if the vehicle otherwise comes within the definition of subdivision (a).

(c) A motor vehicle that is electrically powered, has a maximum speed of 45 miles per hour, and weighs less than 2,500 pounds, is a motorcycle if the vehicle otherwise comes within the definition of subdivision (a).

(d) A farm tractor is not a motorcycle.

(e) A three-wheeled motor vehicle that otherwise meets the requirements of subdivision (a), has a partially or completely enclosed seating area for the driver and passenger, is used by local public agencies for the enforcement of parking control provisions, and is operated at slow speeds on public streets, is not a motorcycle. However, a motor vehicle described in this subdivision shall comply with the applicable sections of this code imposing equipment installation requirements on motorcycles.

Amended Ch. 594, Stats. 1993. Effective January 1, 1994.

Repealed Ch. 594, Stats. 1993. Effective January 1, 1994. Operative January 1, 1997.

Amended Ch. 675, Stats. 1994. Effective January 1, 1995.

Repealed Ch. 675, Stats. 1994. Effective January 1, 1995. Operative January 1, 1997.

Repealed Sec. 2, 3, and added Sec 4, Ch. 453, Stats. 1996. Effective January 1, 1997.

Motor-Driven Cycle

405. A “motor-driven cycle” is any motorcycle with a motor that displaces less than 150 cubic centimeters. A motor-driven cycle does not include a motorized bicycle, as defined in Section 406.

Amended Sec. 1, Ch. 342, Stats. 1995. Effective January 1, 1996.

Motorized Bicycle

406. (a) A “motorized bicycle” or “moped” is any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

(b) A “motorized bicycle” is also a device that has fully operative pedals for propulsion by human power and has an electric motor that meets all of the following requirements:

(1) Has a power output of not more than 1,000 watts.

(2) Is incapable of propelling the device at a speed of more than 20 miles per hour on ground level.

(3) Is incapable of further increasing the speed of the device when human power is used to propel the motorized bicycle faster than 20 miles per hour.

(4) Every manufacturer of motorized bicycles, as defined in this subdivision, shall provide a disclosure to buyers that advises buyers that their existing insurance policies may not provide coverage for these bicycles and that they should contact their insurance company or insurance agent to determine if coverage is provided.

(c) The disclosure required under paragraph (4) of subdivision (b) shall meet both of the following requirements:

(1) The disclosure shall be printed in not less than 14-point boldface type on a single sheet of paper that contains no information other than the disclosure.

(2) The disclosure shall include the following language in capital letters:

“YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS BICYCLE. TO DETERMINE IF COVERAGE IS PROVIDED YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT.”

Amended Sec. 1, Ch. 804, Stats. 1995. Effective January 1, 1996. Supersedes Sec. 2, Ch. 342.

Motorized Quadricycle and Motorized Tricycle

407. A “motorized quadricycle” is a four-wheeled device, and a “motorized tricycle” is a three-wheeled device, designed to carry not more than two persons, including the driver, and having either an electric motor or a motor with an automatic transmission developing less than two gross brake horsepower and capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. The device shall be utilized only by a person who by reason of physical disability is otherwise unable to move about as a pedestrian or by a senior citizen as defined in Section 13000.

Amended Ch. 1292, Stats. 1993. Effective January 1, 1994.

Motorized Scooters: Manufacturer Disclosure

407.5. (a) A “motorized scooter” is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion. For purposes of this section, ***an electric personal assistive mobility device, as defined in Section 313***, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, a motorized bicycle or moped, as defined in Section 406, or a toy, as defined in Section 108550 of the Health and Safety Code, is not a motorized scooter.

(b) A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter.

(c) (1) Every manufacturer of motorized scooters shall provide a disclosure to buyers that advises buyers that their existing insurance policies may not provide coverage for these scooters and that they should contact their insurance company or insurance agent to determine if coverage is provided.

(2) The disclosure required under paragraph (1) shall meet both of the following requirements:

(A) The disclosure shall be printed in not less than 14-point boldface type on a single sheet of paper that contains no information other than the disclosure.

(B) The disclosure shall include the following language in capital letters: "YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS SCOOTER. TO DETERMINE IF COVERAGE IS PROVIDED, YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."

(d) The amendments made by this section shall become operative on March 1, 2003, and this section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

Added Sec. 29, Ch. 724, Stats. 1999. Effective January 1, 2000. Supersedes Ch. 722.

Amended and repealed Sec. 2, Ch. 979, Stats. 2002. Effective January 1, 2003. Operative March 1, 2003. Repeal operative January 1, 2008.

The 2002 amendment added the italicized material.

NOTE: The preceding section is repealed on January 1, 2008, at which time the following section becomes operative.

407.5. (a) ***A "motorized scooter" is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, a motorized bicycle or moped, as defined in Section 406, or a toy, as defined in Section 108550 of the Health and Safety Code, is not a motorized scooter.***

(b) ***A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter.***

(c) (1) Every manufacturer of motorized scooters shall provide a disclosure to buyers that advises buyers that their existing insurance policies may not provide coverage for these scooters and that they should contact their insurance company or insurance agent to determine if coverage is provided.

(2) The disclosure required under paragraph (1) shall meet both of the following requirements:

(A) The disclosure shall be printed in not less than 14-point boldface type on a single sheet of paper that contains no information other than the disclosure.

(B) The disclosure shall include the following language in capital letters:

"YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS SCOOTER. TO DETERMINE IF COVERAGE IS PROVIDED, YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."

(d) This section shall become operative on January 1, 2008.

Added Sec. 3, Ch. 979, Stats. 2002. Effective January 1, 2003. Operative January 1, 2008.

Motor Carrier

408. “Motor carrier” is the registered owner, lessee, licensee, or bailee of any vehicle set forth in Section 34500, who operates or directs the operation of any such vehicle on either a for-hire or not-for-hire basis.

Added Ch. 860, Stats. 1981. Effective January 1, 1982.

Motor Truck

410. A “motor truck” or “motortruck” is a motor vehicle designed, used, or maintained primarily for the transportation of property.

Amended Ch. 272, Stats. 1993. Effective August 2, 1993.

Motor Vehicle

415. (a) A “motor vehicle” is a vehicle that is self-propelled.

(b) “Motor vehicle” does not include a self-propelled wheelchair, invalid tricycle, or motorized quadricycle when operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.

Amended Sec. 112, Ch. 124, Stats. 1996. Effective January 1, 1997.

Muffler

425. A “muffler” is a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

New Motor Vehicle Dealer

426. “New motor vehicle dealer” is a dealer, as defined in Section 285, who, in addition to the requirements of that section, either acquires for resale new and unregistered motor vehicles from manufacturers or distributors of those motor vehicles or acquires for resale new and unregistered off-highway motorcycles from manufacturers or distributors of the vehicles. No distinction shall be made, nor any different construction be given to the definition of “new motor vehicle dealer” and “dealer” except for the application of the provisions of Chapter 6 (commencing with Section 3000) of Division 2 and Section 11704.5. The provisions of Sections 3001 and 3003 shall not, however, apply to a dealer who deals exclusively in motorcycles.

Amended Sec. 2, Ch. 1008, Stats. 1996. Effective January 1, 1997.

Amended Sec. 153, Ch. 135, Stats. 2000. Effective January 1, 2001.

New Vehicle

430. A “new vehicle” is a vehicle constructed entirely from new parts that has never been the subject of a retail sale, or registered with the department, or registered with the appropriate agency or authority of any other state, District of Columbia, territory or possession of the United States, or foreign state, province, or country.

Amended Ch. 1253, Stats. 1994. Effective January 1, 1995.

Nonrepairable Vehicle

431. A “nonrepairable vehicle” is a vehicle of a type otherwise subject to registration that meets the criteria specified in subdivision (a), (b), or (c). The vehicle shall be issued a nonrepairable vehicle certificate and **the vehicle, the vehicle frame, or unitized frame and body, as applicable, and as defined in Section 670.5**, shall not be titled or registered.

(a) A nonrepairable vehicle is a vehicle that has no resale value except as a source of parts or scrap metal, and which the owner irreversibly designates solely as a source of parts or scrap metal.

(b) A nonrepairable vehicle is a completely stripped vehicle (a surgical strip) recovered from theft, missing all of the bolt on sheet metal body panels, all of the doors and hatches, substantially all of the interior components, and substantially all of the grill and light assemblies, or that the owner

designates has little or no resale value other than its worth as a source of scrap metal, or as a source of a vehicle identification number that could be used illegally.

(c) A nonrepairable vehicle is a completely burned vehicle (burned hulk) that has been burned to the extent that there are no more usable or repairable body or interior components, tires and wheels, or drive train components, and which the owner irreversibly designates as having little or no resale value other than its worth as scrap metal or as a source of a vehicle identification number that could be used illegally.

Added Ch. 1008, Stats. 1994. Effective January 1, 1995. Operative July 1, 1995.

Amended Sec. 1, Ch. 670, Stats. 2002. Effective January 1, 2003.

The 2002 amendment added the italicized material.

Nonrepairable Vehicle Certificate

432. A “nonrepairable vehicle certificate” is a vehicle ownership document issued to the owner of a nonrepairable vehicle.

Ownership of the vehicle may only be transferred two times on a nonrepairable vehicle certificate. A vehicle for which a nonrepairable vehicle certificate has been issued may not be titled or registered for use on the roads or highways of California. A nonrepairable vehicle certificate shall be conspicuously labeled with the word “nonrepairable” across the front.

Added Ch. 1008, Stats. 1994. Effective January 1, 1995. Operative July 1, 1995.

Nonresident

435. “Nonresident” is a person who is not a resident of this state.

Nonresident Daily Commuter

435.5. “Nonresident daily commuter” means a person who is not a resident of this state, but who enters and leaves this state on a daily basis for the purpose of employment and whose vehicle is principally garaged out of this state.

Added Ch. 1090, Stats. 1985. Effective September 27, 1985.

Off-Highway Motorcycle

436. An “off-highway motorcycle” means a motorcycle or motor-driven cycle which is subject to identification under this code.

Added Ch. 1584, Stats. 1982. Effective January 1, 1983.

Official Traffic Control Device

440. An “official traffic control device” is any sign, signal, marking, or device, consistent with Section 21400, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

Amended Ch. 1220, Stats. 1994. Effective September 30, 1994.

Official Traffic Control Signal

445. An “official traffic control signal” is any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

Oil Well Production Service Unit

450. An “oil well production service unit” is any vehicle specifically designed for and used exclusively in servicing oil wells which is only incidentally operated or moved on a highway.

Added Ch. 133, Stats. 1969. Effective November 10, 1969.

Original Driver's License

455. "Original driver's license" means the first driver's license issued a person under this code.

Owner

460. An "owner" is a person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents, or creates a security interest in the vehicle; the person entitled to the possession of a vehicle as the purchaser under a security agreement; or the state, or any county, city, district, or political subdivision of the state, or the United States, when entitled to the possession and use of a vehicle under a lease, lease-sale, or rental-purchase agreement for a period of 30 consecutive days or more.

Amended Ch. 1867, Stats. 1963. Effective September 20, 1963. Supersedes Ch. 819.

Owner—Government Exemptions

461. The Senate, Assembly, or any committees thereof, or the Governor's office in possession and using vehicles under a lease, lease-sale, or rental-purchase agreement for a period of 30 consecutive days or more, unless otherwise provided in the lease or rental agreement, shall be exempt from the provisions of Section 460, upon the giving of written notice to the department of the desire to be so exempt.

Added Ch. 162, Stats. 1967. Effective May 16, 1967.

Paratransit Vehicle

462. A "paratransit vehicle" is a passenger vehicle, other than a bus, schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, or taxicab that is both of the following:

(a) (1) Operated for hire by a business, nonprofit organization, or the state, or a political subdivision of the state utilizing drivers who receive compensation for their services and who spend a majority of their workweek operating a passenger vehicle.

(2) For the purposes of this subdivision, compensation does not include reimbursement to volunteer drivers of the cost of providing transportation services at a rate not greater than that approved by the United States Internal Revenue Service for volunteers.

(3) For the purposes of this subdivision, "for hire" means that the entity providing transportation services is compensated for the transportation under contract or agreement.

(b) Regularly used to provide transportation services to any of the following:

(1) Handicapped persons, as defined in Section 99206.5 of the Public Utilities Code.

(2) Persons with a developmental disability, as defined in subdivision (a) of Section 4512 of the Welfare and Institutions Code.

(3) Individuals with disabilities who are determined to be eligible for complementary paratransit services under Title II of the Americans with Disabilities Act of 1990 (P.L. 101-336).

(4) Persons who are 55 years of age or older.

Added Sec. 1, Ch. 241, Stats. 1998. Effective January 1, 1999.

Park or Parking

463. "Park or parking" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Added Ch. 1608, Stats. 1961. Effective September 15, 1961.

Passenger Transportation Vehicle

464. A “passenger transportation vehicle” is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 10 persons including the driver, which requires the person to have in his or her immediate possession a valid driver's license for the appropriate class of vehicle to be driven endorsed for passenger transportation.

Added Ch. 1360, Stats. 1990. Effective January 1, 1991.

Passenger Vehicle

465. A “passenger vehicle” is any motor vehicle, other than a motortruck, truck tractor, or a bus, as defined in Section 233, and used or maintained for the transportation of persons. The term “passenger vehicle” shall include a housecar.

Amended Sec. 1, Ch. 1008, Stats. 1999. Effective January 1, 2000.

Pedestrian

467. (a) A “pedestrian” is any person who is afoot or who is using ().
any of the following:

(1) A means of conveyance propelled by human power other than a bicycle.

(2) An electric personnel assistive mobility device as defined in Section 313.

(b) “Pedestrian” includes any person who is operating a self-propelled wheelchair, invalid tricycle, or motorized quadricycle and, by reason of physical disability, is otherwise unable to move about as a pedestrian, as specified in subdivision (a).

(c) The amendments made by this section shall become operative on March 1, 2003, and this section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

Amended Ch. 400, Stats. 1990. Effective July 23, 1990.

Amended and repealed Sec. 4, Ch. 979, Stats. 2002. Effective January 1, 2003. Operative March 1, 2003. Repeal operative January 1, 2008.

The 2002 amendment added the italicized material, and at the point(s) indicated, deleted the following “a means of conveyance propelled by human power other than a bicycle”

NOTE: The preceding section is repealed on January 1, 2008, at which time the following section becomes operative.

467. (a) ***A “pedestrian” is any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.***

(b) “Pedestrian” includes any person who is operating a self-propelled wheelchair, invalid tricycle, or motorized quadricycle and, by reason of physical disability, is otherwise unable to move about as a pedestrian, as specified in subdivision (a).

(c) This section shall become operative on January 1, 2008.

Added Sec. 5, Ch. 979, Stats. 2002. Effective January 1, 2003. Operative January 1, 2008.

Permanent Trailer Identification Plate Program

468. The department shall commence the “permanent trailer identification plate program,” on or after December 31, 2001, and may designate the method, consistent with this code, to be used by trailers, as defined in Section 5014.1, to receive an assigned permanent trailer identification plate for all trailers, except for trailer coaches and park trailers as described in subdivision (b) of Section 18010 of the Health and Safety Code, for identification purposes. An auxiliary dolly or tow dolly may be assigned a permanent trailer identification plate. The plate shall be in a size

and design as determined by the department.

Added Sec. 15, Ch. 861, Stats. 2000. Effective September 29, 2000. Operative December 31, 2001.

Person

470. “Person” includes a natural person, firm, copartnership, association, limited liability company, or corporation.

Amended Ch. 1010, Stats. 1994. Effective January 1, 1995.

Pickup Truck

471. A “pickup truck” is a motor truck with a manufacturer’s gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length. “Pickup truck” does not include a motor vehicle otherwise meeting the above definition, that is equipped with a bed-mounted storage compartment unit commonly called a “utility body.”

Amended Sec. 8, Ch. 652, Stats. 1997. Effective January 1, 1998.

Pilot Car

472. A “pilot car” is a motor vehicle, except a motorcycle, motorized bicycle, or motorized quadricycle, which is used to escort one or more other vehicles, when required, due to the vehicles’ size or character of load, in accordance with conditions set forth in a permit issued by the appropriate state agency or by a local authority.

Added Ch. 568, Stats. 1982. Effective January 1, 1983.

Pole or Pipe Dolly

475. A “pole or pipe dolly” is a vehicle, other than a motor vehicle, having one or more axles which axles, if there be more than one, are not more than 54 inches apart, and two or more wheels, used in connection with a motor vehicle solely for the purpose of transporting poles, timbers, pipes, or integral structural materials and connected with the towing vehicle both by chain, rope, cable, or drawbar, and by the load, without any part of the weight of the dolly resting upon the towing vehicle.

Power Brakes

480. A “power brake” is any braking gear or mechanism that aids in applying the brakes of a vehicle and which utilizes vacuum, compressed air, electricity, or hydraulic pressure developed by the motive power of that vehicle for that purpose.

Amended Ch. 102, Stats. 1977. Effective June 15, 1977.

Pneumatic Tire

485. A “pneumatic tire” is a tire inflated or capable of inflation with compressed air.

Private Road or Driveway

490. “Private road or driveway” is a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other members of the public.

Private School

492. A “private school” is any school, whether conducted for profit or not, giving a course of training similar to that given in a public school at or below the twelfth grade, including but not limited to schools owned or operated by any church.

Amended Ch. 406, Stats. 1977. Effective August 27, 1977.

Reciprocity Commission

495. The “reciprocity commission” is the commission empowered to enter into reciprocity agreements.

Registered Owner

505. A “registered owner” is a person registered by the department as the owner of a vehicle.

Registration Service

505.2. (a) A “registration service” is a person engaged in the business of soliciting or receiving any application for the registration, renewal of registration, or transfer of registration or ownership, of any vehicle of a type subject to registration under this code, or of transmitting or presenting any of those documents to the department, when any compensation is solicited or received for the service. “Registration service” includes, but is not limited to, a person who, for compensation, processes registration documents, conducts lien sales, or processes vehicle dismantling documents.

(b) “Registration service” does not include any of the following:

(1) A person performing registration services on a vehicle acquired by that person for his or her own personal use or for use in the regular course of that person’s business.

(2) A person who solicits applications for or sells, for compensation, nonresident permits for the operation of vehicles within this state.

(3) An employee of one or more dealers or dismantlers, or a combination thereof, who performs registration services for vehicles acquired by, consigned to, or sold by the employing dealers or dismantlers.

(4) A motor club, as defined in Section 12142 of the Insurance Code.

(5) A common carrier acting in the regular course of its business in transmitting applications.

Amended Sec. 2, Ch. 1155, Stats. 1996. Effective January 1, 1997.

Amended Sec. 3, Ch. 1035, Stats. 2000. Effective January 1, 2001.

Registration Year

506. “Registration year” is the period of time beginning with the date the vehicle is first required to be registered in this state and ending on the date designated by the director for expiration of the registration or the period of time designated for subsequent renewal.

Added Ch. 889, Stats. 1973. Effective September 28, 1973.

Relevant Market Area

507. The “relevant market area” is any area within a radius of 10 miles from the site of a potential new dealership.

Added Ch. 996, Stats. 1973. Operative July 1, 1974.

Remanufactured Vehicle

507.5. A “remanufactured vehicle” is a vehicle that has been constructed by a licensed remanufacturer and consists of any used or reconditioned integral parts, including, but not limited to, frame, engine, transmission, axles, brakes, or suspension. Remanufactured vehicles may be sold under a distinctive trade name. An existing vehicle which is incidentally repaired, restored, or modified by replacing or adding parts or accessories is not a remanufactured vehicle.

Added Ch. 1286, Stats. 1983. Effective January 1, 1984.

Remanufacturer

507.8. A “remanufacturer” is any person who for commission, money, or other thing of value, produces a vehicle that consists of any used or reconditioned integral parts, including, but not limited to, frame, engine,

transmission, axles, brakes, or suspension which is subject to registration under this code. A remanufacturer is not a person who incidentally repairs, restores, or modifies an existing vehicle by replacing or adding parts or accessories.

Added Ch. 1286, Stats. 1983. Effective January 1, 1984.

Renter

508. A “renter” is a person who is engaged in the business of renting, leasing or bailing vehicles for a term not exceeding four months and for a fixed rate or price.

Added Ch. 1284, Stats. 1976. Effective January 1, 1977.

Repair Shop

510. A “repair shop” is a place where vehicles subject to registration under this code are repaired, rebuilt, reconditioned, repainted, or in any way maintained for the public at a charge.

Representative

512. A “representative” is any person regularly employed by a manufacturer or distributor for the purpose of negotiating or promoting the sale of the manufacturer’s or distributor’s vehicles to their franchisees or for regularly supervising or contacting franchisees or prospective franchisees in this state for any purpose.

Added Ch. 996, Stats. 1973. Operative July 1, 1974.

Residence District

515. A “residence district” is that portion of a highway and the property contiguous thereto, other than a business district, (a) upon one side of which highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures, or (b) upon both sides of which highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures. A residence district may be longer than one-quarter of a mile if the above ratio of separate dwelling houses or business structures to the length of the highway exists.

Resident

516. “Resident” means any person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Presence in the state for six months or more in any 12-month period gives rise to a rebuttable presumption of residency.

The following are evidence of residency for purposes of vehicle registration:

- (a) Address where registered to vote.
- (b) Location of employment or place of business.
- (c) Payment of resident tuition at a public institution of higher education.
- (d) Attendance of dependents at a primary or secondary school.
- (e) Filing a homeowner’s property tax exemption.
- (f) Renting or leasing a home for use as a residence.
- (g) Declaration of residency to obtain a license or any other privilege or benefit not ordinarily extended to a nonresident.
- (h) Possession of a California driver’s license.
- (i) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.

Amended Ch. 13, Stats. 1991. Effective February 13, 1991.

Retail Sale

520. A “retail sale” is a sale of goods to a person for the purpose of consumption and use, and not for resale to others, including, but not limited to, an arrangement where a motor vehicle is consigned to a dealer for sale.

Added Ch. 1284, Stats. 1976. Effective January 1, 1977.

Retarder

521. A “retarder” is a device, other than a brake, which, when activated by the driver, applies a retarding force to the wheels of a vehicle without the use of friction. A retarder may be installed in or on the engine, exhaust system, drive train, or wheels of a motor vehicle, or an axle or wheels of a towed vehicle. A retarder may operate by altering the valve timing of the engine, by controlling the flow of a circulating fluid, by applying an electromagnetic force, by controlling the release of gases from the exhaust system, or by other means. A retarder may or may not be capable of stopping the vehicle upon which it is installed.

Added Ch. 648, Stats. 1991. Effective January 1, 1992.

Revived Salvage Vehicle

521.5. ***“Revived salvage vehicle” means a total loss salvage vehicle as defined in Section 544, or a vehicle reported for dismantling pursuant to Section 5500 or 11520, that has been rebuilt or restored to legal operating condition with new or used component parts.***

Added Sec. 2, Ch. 670, Stats. 2002. Effective January 1, 2003.

Ridesharing

522. “Ridesharing” means two or more persons traveling by any mode, including, but not limited to, carpooling, vanpooling, buspooling, taxipooling, jitney, and public transit.

Amended Ch. 193, Stats. 1984. Effective January 1, 1985.

Right-of-way

525. “Right-of-way” is the privilege of the immediate use of the highway.

Road

527. (a) “Road” means any existing vehicle route established before January 1, 1979, with significant evidence of prior regular travel by vehicles subject to registration pursuant to Article 1 (commencing with Section 4000) of Chapter 1 of Division 3; provided, that “road” does not mean any route traversed exclusively by bicycles as defined in Section 39001, motorcycles as defined in Section 400, motor-driven cycles as defined in Section 405, or off-highway motor vehicles as defined in Section 38012.

(b) Even though nature may alter or eliminate portions of an existing vehicle route, the route shall still be considered a road where there is evidence of periodic use.

(c) A vehicle route need not necessarily be a publicly or privately maintained surface to be a road, as defined, for purposes of this section. Nothing contained herein shall pertain to any property in an incorporated area or properties held in private ownership.

(d) This section is definitional only and nothing contained herein shall be deemed to affect, alter, create, or destroy any right, title, or interest in real property, including, but not limited to, any permit, license, or easement; nor shall this chapter be deemed to affect the liability, or lack thereof, of any owner of an interest of real property based upon the use, possession, or ownership of such interest in real property or the entry upon such property by any person.

(e) This section shall only apply in a county where the board of supervisors has adopted a resolution or enacted an ordinance providing for such application.

Added Ch. 361, Stats. 1980. Effective January 1, 1981.

Roadway

530. A “roadway” is that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Safety Glazing Material

535. Safety glazing material is any glazing material so constructed, treated, or combined with other materials as to reduce, in comparison with ordinary sheet, plate, or floatglass, the likelihood of injury to persons by glazing material whether it may be broken or unbroken.

Amended Ch. 723, Stats. 1979. Effective January 1, 1980.

Safety Zone

540. A “safety zone” is the area or space lawfully set apart within a roadway for the exclusive use of pedestrians and which is protected, or which is marked or indicated by vertical signs, raised markers or raised buttons, in order to make such area or space plainly visible at all times while the same is set apart as a safety zone.

Salvage Pool

543. “Salvage pool” means a person engaged exclusively in the business of disposing of total loss salvage vehicles, nonrepairable vehicles, or recovered stolen vehicles sent to it by, or on behalf of, insurance companies, authorized adjusters, leasing companies, self-insured persons, or financial institutions.

Amended Ch. 1008, Stats. 1994. Effective January 1, 1995. Operative July 1, 1995.

Salvage Vehicle Rebuilder

543.5. ***“Salvage vehicle rebuilder” means any person who rebuilds a total loss salvage vehicle, as defined in Section 544, or a vehicle reported for dismantling pursuant to Section 11520, for subsequent resale. A person who, for personal use, rebuilds a total loss salvage vehicle, or a vehicle reported for dismantling, and registers that vehicle in his or her name, is not a salvage vehicle rebuilder. Nothing in this section exempts a salvage vehicle rebuilder from any applicable licensing requirements under this code.***

Added Sec. 3, Ch. 670, Stats. 2002. Effective January 1, 2003.

Total Loss Salvage Vehicle

544. “Total loss salvage vehicle” means a vehicle, other than a nonrepairable vehicle, of a type subject to registration that has been wrecked, destroyed, or damaged, to such an extent that the owner, leasing company, financial institution, or the insurance company that insured the vehicle, considers it uneconomical to repair the vehicle and because of this, the vehicle is not repaired by or for the person who owned the vehicle at the time of the event resulting in damage.

Amended Ch. 1008, Stats. 1994. Effective January 1, 1995. Operative July 1, 1995.

Schoolbus

545. A “schoolbus” is any motor vehicle designed, used, or maintained for the transportation of any school pupil at or below the 12th-grade level to or from a public or private school or to or from public or private school activities, except the following:

(a) A motor vehicle of any type carrying only members of the household of

the owner thereof.

(b) A motortruck transporting pupils who are seated only in the passenger compartment, or a passenger vehicle designed for and carrying not more than 10 persons, including the driver, unless the vehicle or truck is transporting two or more handicapped pupils confined to wheelchairs.

(c) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, only during the time it is on a scheduled run and is available to the general public, or on a run scheduled in response to a request from a handicapped pupil confined to a wheelchair, or from a parent of the handicapped pupil, for transportation to or from nonschool activities; provided, that the motor vehicle is designed for and actually carries not more than 16 persons including the driver, is available to eligible persons of the general public, and the school does not provide the requested transportation service.

(d) A school pupil activity bus.

(e) A motor vehicle operated by a carrier licensed by the Interstate Commerce Commission which is transporting pupils on a school activity entering or returning to the state from another state or country.

(f) A youth bus.

(g) Notwithstanding any other provisions of this section, the governing board of a district maintaining a community college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, if it is primarily used for the transportation of community college students to or from a public community college or to or from public community college activities. The designation shall not be effective until written notification thereof has been filed with the Department of the California Highway Patrol.

(h) A state-owned motor vehicle being operated by a state employee upon the driveways, paths, parking facilities, or grounds specified in Section 21113 that are under the control of a state hospital under the jurisdiction of the State Department of Developmental Services where the posted speed limit is not more than 20 miles per hour. The motor vehicle may also be operated for a distance of not more than one-quarter mile upon a public street or highway that runs through the grounds of a state hospital under the jurisdiction of the State Department of Developmental Services, if the posted speed limit on the public street or highway is not more than 25 miles per hour and if all traffic is regulated by posted stop signs or official traffic control signals at the points of entry and exit by the motor vehicle.

(i) A general public paratransit vehicle as defined in Section 336, provided that the general public paratransit vehicle does not duplicate existing schoolbus service, does not transport a public school pupil at or below the 12th grade level to a destination outside of that pupil's school district, and is not used to transport public school pupils in areas where schoolbus services were available during the 1986-87 school year. In areas where expanded school services require expanded transportation of public school pupils, as determined by the governing board of a school district, general public paratransit vehicles shall not be used to transport those pupils for a period of three years from the date that a need for expansion is identified. For purposes of this section, a pupil is defined as a student at or below the 12th grade level who is being transported to a mandated school activity.

(j) A schoolbus with the flashing red light signal system, the amber warning system, and the schoolbus signs covered, while being used for transportation of persons other than pupils, to or from school or school

related activities.

Amended Ch. 624, Stats. 1992. Effective September 14, 1992.

Schoolbus Exception

545.1. (a) Notwithstanding Section 545, a motor vehicle is not a schoolbus if it is operated for the purpose of transporting any pupil to or from a community college or to or from activities at that college, irrespective of the age of the pupil or the grade level of the pupil, if the pupil is a current enrollee in classes of the college providing the transportation.

(b) A driver of a motor vehicle that meets the criteria established by subdivision (a) shall escort pupils as required by subdivision (d) of Section 22112 and shall meet the requirements of Section 12517.

(c) This section shall apply to a community college district that includes within its boundaries one or more counties, each of which has a population of 250,000 or less.

Added Ch. 834, Stats. 1993. Effective October 6, 1993.

Amended Sec. 3, Ch. 542, Stats. 1995. Effective October 4, 1995.

Amended Sec. 2, Ch. 739, Stats. 2001. Effective January 1, 2002.

Schoolbus: Exception: Coach Bus

545.5. (a) Notwithstanding Section 545, a bus of the type commonly known as a coach bus is not a schoolbus when it is operated by the Trona Unified School District to transport pupils to route-deviated school activities.

(b) A coach bus operated pursuant to subdivision (a) shall be inspected annually by the Department of the California Highway Patrol, shall meet the equipment safety standards established by the federal government for schoolbuses, and shall be used to transport pupils only if the driver has obtained a certificate to operate a schoolbus pursuant to Section 12517.

Added Sec. 1, Ch. 400, Stats. 1995. Effective January 1, 1996.

School Pupil Activity Bus

546. A "school pupil activity bus" is any motor vehicle, other than a schoolbus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th-grade level to or from a public or private school activity, or used to transport pupils to or from residential schools, when the pupils are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the pupil or place the pupil on the bus. As used in this section, common carrier, publicly owned or operated transit system, and passenger charter-party carrier refer to carriers in business for the principal purpose of transporting members of the public on a commercial basis. This section shall not apply to a motor vehicle operated by a carrier licensed by the Interstate Commerce Commission that is transporting pupils on a school activity trip entering or returning to the state from another state or country.

The driver of a school pupil activity bus shall be subject to the regulations adopted by the California Highway Patrol governing schoolbus drivers, except that the regulations shall not require drivers to duplicate training or schooling that they have otherwise received which is equivalent to that required pursuant to the regulations, and the regulations shall not require drivers to take training in first aid. However, a valid certificate to drive a school pupil activity bus shall not entitle the bearer to drive a schoolbus.

Added Ch. 813, Stats. 1981. Effective January 1, 1982.

Semitrailer

550. A "semitrailer" is a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that

some part of its weight and that of its load rests upon, or is carried by, another vehicle.

Sidewalk

555. "Sidewalk" is that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

Amended Ch. 979, Stats. 1959. Effective September 18, 1959.

Snowmobile

557. A "snowmobile" is a motor vehicle designed to travel over ice or snow in whole or in part on skis, belts, or cleats, which is commonly referred to as an Over Snow Vehicle (OSV).

Amended Ch. 533, Stats. 1989. Effective January 1, 1990.

Snow-tread Tire

558. A "snow-tread tire" is a tire which has a relatively deep and aggressive tread pattern compared with conventional passenger tread pattern.

Added Ch. 26, Stats. 1961. Effective September 15, 1961.

Solid Tire

560. A "solid tire" is a tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Special Construction Equipment

565. "Special construction equipment" is:

(a) Any vehicle used primarily off the highways for construction purposes and which moves only occasionally over the highways and which because of the length, height, width, or unladen weight may not move over the public highways unladen without the permit specified in Section 35780.

(b) Any vehicle which is designed and used primarily either for grading of highways, paving of highways, earth moving, and other construction work on highways, or for construction or maintenance work on railroad rights-of-way, and which is not designed or used primarily for the transportation of persons or property and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road and railroad construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track-type tractors, crawler tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, water wagons, power shovels and draglines, speed swings, skip loaders, weed mowers, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of 96 inches in width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in Section 35780 of this code and which are not operated laden except within the boundaries of the job construction site, and other similar types of construction equipment.

Amended Ch. 90, Stats. 1969. Effective November 10, 1969.

Special Construction Equipment: Exclusions

570. "Special construction equipment" does not include any of the following:

(a) A vehicle originally designed for the transportation of persons or property to which machinery has been attached unless specifically designated as such in Section 565.

(b) Dump trucks originally designed to comply with the size and weight

provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in Section 35780 of this code, to operate such vehicles on a highway, truck-mounted transit mixers, cranes and shovels.

Amended Ch. 1659, Stats. 1961. Effective September 15, 1961.

Special Mobile Equipment

575. "Special mobile equipment" is a vehicle, not self-propelled, not designed or used primarily for the transportation of persons or property, and only incidentally operated or moved over a highway, excepting implements of husbandry.

Specially Constructed Vehicle

580. A "specially constructed vehicle" is a vehicle which is built for private use, not for resale, and is not constructed by a licensed manufacturer or remanufacturer. A specially constructed vehicle may be built from (1) a kit; (2) new or used, or a combination of new and used, parts; or (3) a vehicle reported for dismantling, as required by Section 5500 or 11520, which, when reconstructed, does not resemble the original make of the vehicle dismantled. A specially constructed vehicle is not a vehicle which has been repaired or restored to its original design by replacing parts.

Amended Ch. 1286, Stats. 1983. Effective January 1, 1984.

Station Wagon

585. A "station wagon" is a dual purpose vehicle designed for the transportation of persons and also designed in such a manner that the seats may be removed or folded out of the way for the purpose of increasing the property carrying space within the vehicle. The term includes, but is not limited to, types of vehicles which carry the trade names of station wagon, estate wagon, town and country wagon, and country sedan.

Stop or Stopping

587. "Stop or stopping" when prohibited shall mean any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic control device or signal.

Added Ch. 1917, Stats. 1961. Effective September 15, 1961.

Street

590. "Street" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street includes highway.

Street or Highway

591. A "street" or "highway" shall not include those portions of a way or place in or upon which construction, alteration, or repair work is being performed insofar as the equipment performing such work and its operation are concerned. Where the work consists of a street or highway project, the limits of the project as shown or described in the plans or specifications of the awarding body shall be so excluded with reference to the equipment actually engaged in performing the work. The authority having jurisdiction over such way or place may include any or all of the requirements set forth in Divisions 11, 12, 13, 14 and 15 in any permit issued for work on such way or place and the awarding body on any such street or highway project may include such requirements in the specifications for such project. It is the intention of the Legislature, in enacting this section, that this section shall not be construed to relieve any person from the duty of exercising due care.

Added Ch. 659, Stats. 1959. Effective September 18, 1959.

Street or Highway—Highway Exclusion

592. “Highway”, for the purposes of Division 3 (commencing with Section 4000), Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14.8 (commencing with Section 34500), and Division 15 (commencing with Section 35000), does not include a way or place under the jurisdiction of a federal governmental agency, which lies on national forest or private lands, is open to public use, and for which the cost of maintenance of such way or place is borne or contributed to directly by any users thereof.

Amended Ch. 1213, Stats. 1969. Effective November 10, 1969.

Supplemental Restraint System (Airbag)

593. ***“Supplemental restraint system” means an automatic passive restraint system consisting of a bag that is designed to inflate upon collision, commonly referred to as an “airbag.”***

Added Sec. 4, Ch. 670, Stats. 2002. Effective January 1, 2003.

Terminal

595. “Terminal” is a place where a vehicle of a type listed in Section 34500 is regularly garaged or maintained, or from which the vehicle is operated or dispatched.

Added Ch. 832, Stats. 1994. Effective January 1, 1995.

Through Highway

600. A “through highway” is a highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is regulated by stop signs or traffic control signals or is controlled when entering on a separated right-turn roadway by a yield-right-of-way sign.

Amended Ch. 168, Stats. 1969. Effective November 10, 1969.

Tire Traction Devices

605. “Tire traction devices” are devices or mechanisms having a composition and design capable of improving vehicle traction, braking, and cornering ability upon snow or ice-covered surfaces. Tire traction devices shall be constructed and assembled to provide sufficient structural integrity and to prevent accidental detachment from vehicles. Tire traction devices shall, at the time of manufacture or final assembly, bear a permanent impression indicating the name, initials, or trademark of the assembling company or primary manufacturer, and the country in which the devices were manufactured or assembled in final form.

Added Ch. 71, Stats. 1990. Effective May 1, 1990.

Tire Tread

610. “Tire tread” is that portion of the tire, consisting of the ribs and grooves, which comes in contact with the roadway.

Added Ch. 216, Stats. 1970. Effective November 23, 1970.

Toll Highway or Toll Road

611. A “toll highway” or “toll road” is a publicly owned way or place open to the use of the public for purposes of vehicular travel which use requires the payment of a fee.

Added Ch. 1241, Stats. 1992. Effective January 1, 1993.

Tour Bus

612. “Tour bus” means a bus, which is operated by or for a charter-party carrier of passengers, as defined in Section 5360 of the Public Utilities Code, or a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, or any highway carrier of passengers required to register with

the California Public Utilities Commission pursuant to Section 3910 of the Public Utilities Code.

Amended Ch. 1216, Stats. 1989. Effective October 1, 1989.

Tow Truck: Tow Vehicle

615. (a) A “tow truck” is a motor vehicle which has been altered or designed and equipped for, and primarily used in the business of, transporting vehicles by means of a crane, hoist, tow bar, tow line, or dolly or is otherwise primarily used to render assistance to other vehicles. A “roll-back carrier” designed to carry up to two vehicles is also a tow truck. A trailer for hire that is being used to transport a vehicle is a tow truck. “Tow truck” does not include an automobile dismantlers’ tow vehicle or a reposessor’s tow vehicle.

(b) “Reposessor’s tow vehicle” means a tow vehicle which is registered to a reposessor licensed or registered pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code that is used exclusively in the course of the repossession business.

(c) “Automobile dismantlers’ tow vehicle” means a tow vehicle which is registered by an automobile dismantler licensed pursuant to Chapter 3 (commencing with Section 11500) of Division 5 and which is used exclusively to tow vehicles owned by that automobile dismantler in the course of the automobile dismantling business.

Amended Ch. 479, Stats. 1993. Effective January 1, 1994.

Amended Sec. 14, Ch. 456, Stats. 1999. Effective January 1, 2000.

Tow Dolly

617. A “tow dolly” is a vehicle towed by a motor vehicle and designed and used exclusively to transport another motor vehicle and upon which the front or rear wheels of the towed motor vehicle are mounted, while the other wheels of the towed motor vehicle remain in contact with the ground. “Tow dolly” does not include a portable or collapsible dolly used as specified in Section 4014.

Added Ch. 708, Stats. 1983. Effective January 1, 1984.

Traffic

620. The term “traffic” includes pedestrians, ridden animals, vehicles, street cars, and other conveyances, either singly or together, while using any highway for purposes of travel.

Traffic Officer

625. A “traffic officer” is any member of the California Highway Patrol, or any peace officer who is on duty for the exclusive or main purpose of enforcing Division 10 (commencing with Section 20000) or 11 (commencing with Section 21000).

Amended Ch. 142, Stats. 1983. Effective January 1, 1984.

Traffic Violator School

626. A “traffic violator school” is a business that, for compensation, provides, or offers to provide, instruction in traffic safety, including, but not limited to, classroom traffic violator curricula, for persons referred by a court pursuant to Section 42005 or to other persons who elect to attend.

Amended Sec. 1, Ch. 457, Stats. 2001. Effective January 1, 2002.

Traffic Violator School Branch or Classroom Location

626.2. A “traffic violator school branch or classroom location” is any place where a traffic violator school conducts instruction or maintains records.

Added Ch. 396, Stats. 1985. Effective July 30, 1985.

Traffic Violator School Instructor

626.4. A “traffic violator school instructor” is any person who provides instruction to traffic violators on behalf of a traffic violator school.

Added Ch. 396, Stats. 1985. Effective July 30, 1985.

Traffic Violator School Operator

626.6. A “traffic violator school operator” is the person who directs and manages the operations of a traffic violator school.

A “traffic violator school operator” may be either the traffic violator school owner or another person designated by the traffic violator school owner to personally direct and manage the traffic violator school for the traffic violator school owner.

Added Ch. 396, Stats. 1985. Effective July 30, 1985.

Traffic Violator School Owner

626.8. A “traffic violator school owner” is any natural person, association, or corporation that owns a traffic violator school.

Added Ch. 396, Stats. 1985. Effective July 30, 1985.

Engineering and Traffic Survey

627. (a) “Engineering and traffic survey,” as used in this code, means a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local authorities.

(b) An engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of all of the following:

(1) Prevailing speeds as determined by traffic engineering measurements.

(2) Accident records.

(3) Highway, traffic, and roadside conditions not readily apparent to the driver.

(c) When conducting an engineering and traffic survey, local authorities, in addition to the factors set forth in paragraphs (1) to (3), inclusive, of subdivision (b) may consider all of the following:

(1) Residential density, if any of the following conditions exist on the particular portion of highway and the property contiguous thereto, other than a business district:

(A) Upon one side of the highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures.

(B) Upon both sides of the highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures.

(C) The portion of highway is longer than one-quarter of a mile but has the ratio of separate dwelling houses or business structures to the length of the highway described in either subparagraph (A) or (B).

(2) Pedestrian and bicyclist safety.

Amended Sec. 1, Ch. 45, Stats. 2000. Effective January 1, 2001.

Trailer

630. A “trailer” is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle. As used in Division 15 (commencing with Section 35000), “trailer” includes a semitrailer when used in conjunction with an auxiliary dolly, if the auxiliary dolly is of a type constructed to replace the function of the drawbar and the front axle or axles

of a trailer.

Amended Ch. 542, Stats. 1984. Effective January 1, 1985.

Trailer Coach

635. A “trailer coach” is a vehicle, other than a motor vehicle, designed for human habitation or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle. A “park trailer,” as described in Section 18009.3 of the Health and Safety Code, is a trailer coach.

Amended Ch. 272, Stats. 1993. Effective August 2, 1993.

Amended Sec. 3, Ch. 566, Stats. 2000. Effective January 1, 2001.

Trailer Bus

636. A “trailer bus” is a trailer or semitrailer designed, used, or maintained for the transportation of more than 15 persons, including the driver, and includes a connected towing motor vehicle that is a motor truck, truck tractor, or bus.

Amended Ch. 58, Stats. 1994. Effective April 26, 1994.

Transferee

640. A “transferee” is a person who has acquired the sole ownership of or an equity in a vehicle of a type required to be registered under this code.

Transit Bus

642. A “transit bus” is any bus owned or operated by a publicly owned or operated transit system, or operated under contract with a publicly owned or operated transit system, and used to provide to the general public, regularly scheduled transportation for which a fare is charged. A general public paratransit vehicle is not a transit bus.

Added Ch. 1136, Stats. 1989. Effective January 1, 1990. Operative July 1, 1990.

Transporter

645. (a) A “transporter” is a person engaged in the business of moving any owned or lawfully possessed vehicle by lawful methods over the highways for the purpose of delivery of such vehicles to dealers, sales agents of a manufacturer, purchasers, or to a new location as requested by the owner.

(b) The term “transporter” does not include a person engaged in the business of operating a tow car.

Amended Ch. 444, Stats. 1963. Effective September 20, 1963.

Trolley Coach

650. A “trolley coach” is a vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Truck Tractor

655. (a) A “truck tractor” is a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the vehicle and the load so drawn. As used in this section, “load” does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items does not exceed 34 square feet.

(b) Notwithstanding subdivision (a), a truck tractor, operated by a motor carrier whose owner is licensed by the Department of the California Highway Patrol to transport explosives pursuant to Division 14 (commencing with Section 31600), may be equipped with a cargo container used exclusively for the transportation of explosives or munitions-related security material, as specified by the United States Department of Defense.

Amended Ch. 88, Stats. 1994. Effective January 1, 1995.

Truss

657. A “truss” is an assemblage of beams, bars, or rods typically arranged in a triangle or combination of triangles to form a rigid framework and used as a structural support in buildings.

Added Ch. 299, Stats. 1979. Effective January 1, 1980.

Unladen Weight

660. The “unladen weight” of a vehicle is the weight equipped and ready for operation on the road including the body, fenders, oil in motor, radiator full of water, with five gallons of gasoline or equivalent weight of other motor fuel; also equipment required by law, and unless exempted under Section 661, any special cabinets, boxes or body parts permanently attached to the vehicle, and any machinery, equipment or attachment which is attendant to the efficient operation of the body or vehicle. Unladen weight shall not include any load or any machinery or mechanical apparatus, such as, but not limited to, wood saws, well-drilling machines, spray apparatus, tow truck cranes, and grinding equipment. The unladen weight of a vehicle shall have no application in determining any fee under this code or the Revenue and Taxation Code other than Section 9400.

Amended Ch. 924, Stats. 1988. Effective January 1, 1989.

Unladen Weight Exclusions

661. Unladen weight shall not include the following machinery, equipment or attachment which is attendant to the efficient operation of the body or vehicle:

- (a) Equipment used for loading, compacting, or unloading of refuse.
- (b) Transitmix cement equipment.
- (c) Temporary equipment used to contain or support the load which does not change the body classification.
- (d) Any camper unit that is temporarily attached to a vehicle.
- (e) Refrigeration equipment.

Added Ch. 2108, Stats. 1963. Effective September 20, 1963.

Used Vehicle

665. A “used vehicle” is a vehicle that has been sold, or has been registered with the department, or has been sold and operated upon the highways, or has been registered with the appropriate agency of authority, of any other state, District of Columbia, territory or possession of the United States or foreign state, province or country, or unregistered vehicles regularly used or operated as demonstrators in the sales work of a dealer or unregistered vehicles regularly used or operated by a manufacturer in the sales or distribution work of such manufacturer. The word “sold” does not include or extend to: (1) any sale made by a manufacturer or a distributor to a dealer, (2) any sale by a new motor vehicle dealer franchised to sell a particular line-make to another new motor vehicle dealer franchised to sell the same line-make, or (3) any sale by a dealer to another dealer licensed under this code involving a mobilehome, as defined in Section 396, a recreational vehicle, as defined in Section 18010.5 of the Health and Safety Code, a commercial coach, as defined in Section 18012 of the Health and Safety Code, an off-highway motor vehicle subject to identification, as defined in Section 38012, or a commercial vehicle, as defined in Section 260.

Amended Ch. 1583, Stats. 1988. Effective January 1, 1989.

U-turn

665.5. A “U-turn” is the turning of a vehicle upon a highway so as to proceed in the opposite direction whether accomplished by one continuous

movement or not.

Added Ch. 620, Stats. 1970. Effective November 23, 1970.

Vanpool Vehicle

668. A “vanpool vehicle” is any motor vehicle, other than a motortruck or truck tractor, designed for carrying more than 10 but not more than 15 persons including the driver, which is maintained and used primarily for the nonprofit work-related transportation of adults for the purposes of ridesharing.

Added Ch. 46, Stats. 1982. Effective January 1, 1983.

Vehicle

670. A “vehicle” is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

Amended Ch. 987, Stats. 1975. Effective January 1, 1976.

Vehicle Frame

670.5. ***A “vehicle frame” is defined as the main longitudinal structural members of the chassis of the vehicle, or for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle, used as the major support in the construction of the motor vehicle.***

Added Sec. 5, Ch. 670, Stats. 2002. Effective January 1, 2003.

Vehicle Identification Number

671. (a) A “vehicle identification number” is the motor number, serial number, or other distinguishing number, letter, mark, character, or datum, or any combination thereof, required or employed by the manufacturer or the department for the purpose of uniquely identifying a motor vehicle or motor vehicle part or for the purpose of registration.

(b) Whenever a vehicle is constructed of component parts identified with one or more different vehicle identification numbers, the vehicle identification number stamped or affixed by the manufacturer or authorized governmental entity on the frame or unitized frame and body, as applicable, and as defined in Section 670.5, shall determine the identity of the vehicle for registration purposes.

Added Ch. 386, Stats. 1993. Effective September 8, 1993.

Amended Sec. 6, Ch. 670, Stats. 2002. Effective January 1, 2003.

The 2002 amendment added the italicized material.

Vehicle Manufacturer

672. (a) “Vehicle manufacturer” is any person who produces from raw materials or new basic components a vehicle of a type subject to registration under this code, off-highway motorcycles subject to identification under this code, or trailers subject to identification pursuant to Section 5014.1, or who permanently alters, for purposes of retail sales, new commercial vehicles by converting the vehicles into housecars that display the insignia of approval required by Section 18056 of the Health and Safety Code and any regulations issued pursuant thereto by the Department of Housing and Community Development. As used in this section, “permanently alters” does not include the permanent attachment of a camper to a vehicle.

(b) A vehicle manufacturer () ***that*** produces a vehicle of a type subject to registration that consists of used or reconditioned parts, for the purposes of the code, is a remanufacturer, as defined in Section 507.8.

(c) Unless a vehicle manufacturer either grants franchises to franchisees

in this state, or issues vehicle warranties directly to franchisees in this state or consumers in this state, the manufacturer shall have an established place of business or a representative in this state.

(d) The scope and application of this section are limited to Division 2 (commencing with Section 1500) and Division 5 (commencing with Section 11100).

Amended Sec. 113, Ch. 124, Stats. 1996. Effective January 1, 1997.

Amended Sec. 8, Ch. 539, Stats. 2001. Effective January 1, 2002.

Amended Sec. 213, Ch. 664, Stats. 2002. Effective January 1, 2003.

The 2002 amendment added the italicized material, and at the point(s) indicated, deleted the following "who"

Vehicle Salesperson

675. (a) "Vehicle salesperson" is a person not otherwise expressly excluded by this section, who does one or a combination of the following:

(1) Is employed as a salesperson by a dealer, as defined in Section 285, or who, under any form of contract, agreement, or arrangement with a dealer, for commission, money, profit, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale, or exchange of an interest in a vehicle required to be registered under this code.

(2) Induces or attempts to induce any person to buy or exchange an interest in a vehicle required to be registered, and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of the vehicle.

(3) Exercises managerial control over the business of a licensed vehicle dealer or who supervises vehicle salespersons employed by a licensed dealer, whether compensated by salary or commission, including, but not limited to, any person who is employed by the dealer as a general manager, assistant general manager, or sales manager, or any employee of a licensed vehicle dealer who negotiates with or induces a customer to enter into a security agreement or purchase agreement or purchase order for the sale of a vehicle on behalf of the licensed vehicle dealer.

(b) The term "vehicle salesperson" does not include any of the following:

(1) Representatives of insurance companies, finance companies, or public officials, who in the regular course of business, are required to dispose of or sell vehicles under a contractual right or obligation of the employer, or in the performance of an official duty, or under the authority of any court of law, if the sale is for the purpose of saving the seller from any loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who are licensed as a manufacturer, remanufacturer, transporter, distributor, or representative.

(3) Persons exclusively employed in a bona fide business of exporting vehicles, or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States.

(4) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the vehicles have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(5) Persons regularly employed as salespersons by persons who are engaged in a business involving the purchase, sale, or exchange of boat trailers.

(6) Persons regularly employed as salespersons by persons who are engaged in a business activity which does not involve the purchase, sale, or exchange of vehicles, except incidentally in connection with the purchase, sale, or exchange of vehicles of a type not subject to registration under this code, boat trailers, or midjet autos or racers advertised as being built exclusively for use by children.

(7) Persons licensed as a vehicle dealer under this code doing business as a sole ownership or member of a partnership or a stockholder and director of a corporation or a member and manager of a limited liability company licensed as a vehicle dealer under this code. However, those persons shall engage in the activities of a salesperson, as defined in this section, exclusively on behalf of the sole ownership or partnership or corporation or limited liability company in which they own an interest or stock, and those persons owning stock shall be directors of the corporation; otherwise, they are vehicle salespersons and subject to Article 2 (commencing with Section 11800) of Chapter 4 of Division 5.

(8) Persons regularly employed as salespersons by a vehicle dealer authorized to do business in California under Section 11700.1 of the Vehicle Code.

Amended Ch. 1200, Stats. 1994. Effective September 30, 1994.

Vehicle Verifier

675.5. A “vehicle verifier” is a person not expressly excluded by Section 675.6 who inspects, records, documents, and submits to the department, or its authorized representative, such proof of vehicle identification as may be required by the department for the purpose of registering or transferring the ownership of vehicles.

Added Ch. 700, Stats. 1975. Effective January 1, 1976.

Vehicle Verifier: Exclusions

675.6. (a) “Vehicle verifier” does not include any of the following:

(1) A peace officer.

(2) An authorized employee of the department.

(3) A special agent of the National Auto Theft Bureau.

(4) An employee of an organization certified under the provisions of Part 5 (commencing with Section 12140) of Division 2 of the Insurance Code whose duties require or authorize the verification of vehicles.

(b) Any person specified in subdivision (a) may perform the duties of a vehicle verifier without obtaining the special permit required in Section 11300.

Added Ch. 700, Stats. 1975. Effective January 1, 1976.

Year-Round Registration

676. “Year-round registration” is a system whereby the director designates a date for the expiration of registration of a vehicle and renewal thereof in order to equalize the volume of such renewals throughout the year.

Added Ch. 889, Stats. 1973. Effective September 28, 1973.

Water Tender Vehicle

676.5. A “water tender vehicle” is a vehicle designed to carry not less than 1,500 gallons of water and used primarily for transporting and delivering water to be applied by other vehicles or pumping equipment at fire emergency scenes.

Added Ch. 207, Stats. 1994. Effective July 18, 1994.

Amended Sec. 169, Ch. 91, Stats. 1995. Effective January 1, 1996.

Youth Bus

680. (a) A “youth bus” is any bus, other than a schoolbus, designed for and when actually carrying not more than 16 persons and the driver, used to transport children at or below the 12th-grade level directly from a public or private school to an organized nonschool-related youth activity within 25 miles of the school or directly from a location which provides the organized nonschool-related youth activity to a public or private school within 25 miles of that location.

(b) In addition to the destinations specified in subdivision (a), a youth bus may also be used to transport children at or below the 12th-grade level to or from their place of residence if the driver has met the requirements of Section 12523 and received additional instruction and training approved by the Department of the California Highway Patrol.

Amended Sec. 1, Ch. 774, Stats. 1996. Effective January 1, 1997.